

CITY OF SOUTH FULTON, GEORGIA
REGULAR MEETING - Welcome All Park Multipurpose Facility, 4255 Will Lee Rd, South
Fulton, GA 30349
Tuesday, October 25, 2022, 4:00 PM



The Honorable khalid kamau, Mayor
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs , District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Jaceey Sebastian, District 4 Councilmember
The Honorable Corey A. Reeves, District 5 Councilmember
The Honorable Natasha Williams, District 6 Councilmember
Vacant, District 7 Councilmember

REGULAR COUNCIL MEETING AGENDA

- I. 4:00 p.m. Invocation
- II. 4:02 p.m. Pledge of Allegiance
- III. 4:03 p.m. Roll Call- Corey Adams, City Clerk
- IV. 4:05 p.m. Meeting Called to Order- Mayor khalid (*Times are estimates only)
- V. 4:06 p.m. Adoption of Council Agenda
- VI. 4:10 p.m. Approval of City Council Meeting Minutes
 - 1. Request Council Approval of City Council Regular Meeting Minutes from September 27, 2022 (City Clerk)
 - 2. Request Council Approval of City Council Work Session Minutes from October 11, 2022 (City Clerk)
 - 3. Request Council Approval of City Council Alcohol/Zoning Public Hearing Minutes from October 11, 2022 (City Clerk)
 - 4. Request Council Approval of City Council Special Called Meeting Minutes from October 11, 2022, and October 20, 2022. (City Clerk)
- VII. 4:13 p.m. Consent Agenda Items

5. Mayor/Council Proclamations for Spreading on the Minutes:

DJ Greg Street Appreciation Day (Mayor khalid)

Herschel J. Robinson Jr., and Tri-Cities High School Alumni Association

(TCHSAA) Day (Mayor khalid)

Shiloh Baptist Church Day (Councilmember Sebastian)

Nigerians in Diaspora Organization Americas Day (Councilmember Sebastian)

James McLaughlin, Jr. Appreciation Day (Councilmember Willis)

VIII. 4:15 p.m. Proclamation Presentation

6. Proclamation Presentation: Recognizing Retired South Fulton Educators (Mayor khalid)

IX. 4:25 p.m. Public Comment

Speakers will be granted a total of two (2) minutes each and public comments will not exceed thirty (30) minutes. Speakers will not be allowed to yield or donate their time to other speakers. Speakers must identify themselves and their addresses prior to speaking. Speakers may only address the Presiding Officer, shall observe all rules of decorum. No debate, disrespect or obscenities shall be tolerated. The Presiding Officer shall rule any such individual out of order that fails to comply with the foregoing.

X. 4:55 p.m. Agenda Items - Part One

7. VETO OVERRIDE DISCUSSIONS

4:55 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance Creating Department of Public Affairs and Special Events (Councilmember Williams)

8. 5:00 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance Amending Departments (Revise Department of Communications and Add Department of Public Affairs and Special Events) (Councilmember Williams)

9. 5:05 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance Regulating Temporary Employees (Councilmembers Williams, Willis, Sebastian, and Reeves)

10. 5:15 p.m. Council Consideration of Override of the Mayor's Veto of A Lease Agreement with 100 Hartsfield Center (Police)

11. CONTRACTS AND EXPENDITURES

5:25 p.m. Council Discussion on P-Card Investigations, Forensic Audit and Internal Auditors (Mayor)

12. 5:35 p.m. Request Council Approval to Award an ITB #22-100 White Mill Road Full Depth Reclamation and execution of contract including a request to add a 10% contingency with total amount not to exceed \$1,631,556. The Recommendation is for award to the lowest, responsive and responsible Bidder to Atlanta Paving and Concrete Construction, Inc., located in Atlanta, Georgia. The low bid was \$1,483,233.50, and to add a 10% contingency for unforeseen items that may arise during construction bringing the full amount of the approval requested to \$ 1,631,556 to be funded from LMIG Grant funding. (Public Works)
- XI. 5:45 p.m. PLANNING AND ZONING - Alcohol License, Rezoning, Variance and Modification Cases (For Motion and Vote)
 13. 5:45 p.m. Z2206: The applicant, City of South Fulton, is requesting a rezoning from A (Medium Density Apartments) Zoning District to R3 (Single Family Dwelling) Zoning District on 23.44+ /acres of land. The subject property is located along Cascade Road, generally bounded by Cascade Rd. to the north, New Hope Rd. to the east, New Britan Dr. to the south, and Trammell Crow Park to the west. (District 1)
 14. 6:00 p.m. Public Hearing for Road Reopening - Jacanar Lane
- XII. 6:20 p.m. Intermission — 20 Mins.
- XIII. 6:40 p.m. Agenda Items - Part Two
 15. 6:40 p.m. Presentation: Comprehensive Plan and Future Land Use (CDRA)
 16. 6:55 p.m. Resolution: Temporary Moratorium on Bars and Clubs in the Red Oak Historic District (Councilmember Willis)
 17. CITY COUNCIL AND CITY ADMINISTRATION
 - 7:00 p.m. Second Read and Request Council Approval of An Ordinance Amending the City Council District Maps Due to Reapportionment As A Result of the 2020 Census
 18. 7:10 p.m. Council Approval of An Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date And For Other Lawful Purposes (Councilmember Rowell)
 19. 7:15 p.m. Request Approval of Recommended Amendments to the City of South Fulton Convention and Visitors Bureau (CVB) Bylaws (Economic Development)
 20. 7:25 p.m. Request Approval of 2023 Legislative Priorities (City Manager)
 21. PUBLIC WORKS
 - 7:30 p.m. Request Council Approval to Negotiate a Sublease for a Public Works Operations Center (Public Works)

22. 7:45 p.m. Georgia Power Pole Attachment Agreements (Economic Development/Public Works)

XIV. 7:50 p.m. Council Comments

XV. 8:00 p.m. Executive Session (if needed)

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

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

XVI. 8:30 p.m. Adjournment of Meeting

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Regular Meeting Minutes from September 27, 2022

DATE: October 25, 2022

SUBJECT: Request Council Approval of City Council Regular Meeting Minutes from September 27, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_RM_2022_9_27_Meeting_DRAFT	Cover Memo	10/25/2022

CITY OF SOUTH FULTON, GEORGIA
REGULAR COUNCIL MEETING - Welcome All Park Multipurpose Center 4255 Will Lee
Road, South Fulton, GA ,30349
Tuesday, September 27, 2022, 4:00 PM



REGULAR MEETING MINUTES

I. 4:00 p.m. Invocation

Minutes:

The invocation was rendered by Kelvin Turner.

II. 4:02 p.m. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

Attendee Name	Title	Status	Arrived
khalid kamau	Mayor	Present	4:12 PM
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jaceey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Present	
VACANT	District 7 Councilmember		

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

III. 4:05 p.m. Meeting Called to Order- Mayor khalid (*Times are estimates only)

Minutes:

The meeting was called to order by Mayor Pro Tem Corey A. Reeves at 4:04 PM.

IV. 4:06 p.m. Adoption of Council Agenda

Motion (Adopt): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the agenda as printed.

The motion was approved unanimously.

V. 4:10 p.m. Approval of City Council Meeting Minutes

Motion (Approve): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

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

Regular Meeting from August 23, 2022

Zoning Public Hearing from September 13, 2022

Work Session Meeting from September 13, 2022

Special Called Meeting from August 24, 2022, August 31, 2022, August 31, 2022, September 13 and September 21.

The motion was approved unanimously.

1. Request Council Approval of City Council Regular Meeting Minutes from August 23, 2022 (City Clerk)
2. Request Council Approval of City Council Work Session Minutes from September 13, 2022 (City Clerk)
3. Request Council Approval of City Council Alcohol/Zoning Public Hearing Minutes from September 13, 2022 (City Clerk)
4. Request Council Approval of City Council Special Called Meeting Minutes from Millage Rate Hearings on August 24, 2022, August 31, 2022 and August 31, 2022 (City Clerk)

5. Request Council Approval of City Council Special Called Meeting Minutes from FY23 Budget Hearings on September 13, 2022 and September 21, 2022 (City Clerk)

VI. 4:11 p.m. Proclamation Presentations

6. 4:10 p.m. Proclamation Presentation to Major Tina Johnson (Councilwoman Willis and Full Council)

Minutes:

Proclamation Presentation presented to Major Tina Johnson.

7. 4:17 p.m. Proclamation Presentation to Captain Troy Blackmon (Councilwoman Willis and Full Council)

Minutes:

Proclamation Presentation not presented.

VII. 4:25 p.m. Public Comments

VIII. 4:55 p.m. Consent Agenda Items

8. Mayor/Council Proclamations for Spreading on the Minutes:

TYRONE AND JARDINE SPEARS DAY (Mayor khalid and Mayor Pro Tem Reeves)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda.

The motion was approved unanimously.

IX. 5:00 p.m. Agenda Items - Part One

9. CITY COUNCIL and CITY ADMINISTRATION

5:00 p.m. First Read of An Ordinance Amending the City Council District Maps Due To Reapportionment As A Result of the 2020 Census

Minutes:

FIRST READ

Councilmember Sebastian requested that the City Manager provide maps of the proposed new districts for use throughout the city.

10. 5:05 p.m. Second Read and Request Council Approval of An Ordinance To Amend Article IV Administrative Affairs Of The City Of South Fulton Charter To Add Section 4.16, Internal Auditor; And For Other Lawful Purpose Resolution. (Sponsored by Councilmember Williams)

Motion (Approve): Councilmember Williams

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve An Ordinance To Amend Article IV Administrative Affairs Of The City Of South Fulton Charter To Add Section 4.16, Internal Auditor.

The motion was approved unanimously.

11. 5:15 p.m. Second Read and Request Council Approval of An Ordinance By The City Of South Fulton Creating The Department Of Public Affairs; Establishing The Position Of Director Of Public Affairs With The Department Of Public Affairs, Creating The Position of Press Secretary Within The City Manager's Office; Providing Job Summaries And Principle Duties And Responsibilities Of All Positions; And For Other Lawful Purposes Resolution. (Sponsored by Councilmember Williams)

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Williams

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the revised Ordinance By The City Of South Fulton Creating The Department Of Public Affairs and Special Projects; Establishing The Position Of Director Of Public Affairs and Special Projects Manager within the Department, Providing the Job Summary And Principle Duties And Responsibilities Of the Director Of Public Affairs.

The motion was approved unanimously.

12. 5:20 p.m. Second Read and Request Council Approval of An Ordinance To Amend Section 1-6009, Departments, Generally, For The Purpose Of Modifying The Title And Responsibilities Of The Department Of Communications And External Affairs; Adding The Department Of Public Affairs; And For Other Lawful Purposes Resolution. (Sponsored by Councilmember Williams)

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the revised Ordinance To Amend Section 1-6009, Departments, Generally, For The Purpose Of Modifying The Title And Responsibilities Of The Department Of Communications And External Affairs; Adding The Department Of Public Affairs and Special Projects.

The motion was approved unanimously.

13. 5:25 p.m. Second Read and Request Council Approval of A Ordinance Amending the City Charter – City Clerk Duties (Sponsored by Councilmembers Willis, Gumbs, Sebastian, Reeves, Williams)

Motion (Approve): Councilmember Willis

Second: Councilmember Sebastian

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve An Ordinance Amending the City Charter – City Clerk Duties.

The motion was approved unanimously.

14. 5:30 p.m. Request Council Approval of An Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date And For Other Lawful Purposes (Sponsored by Councilmember Rowell)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date.

The motion was approved unanimously.

15. 5:35 p.m. Second Read and Request Council Approval Of An Ordinance To Amend Title 1, Administration, Chapter 6, Municipal Employees, Of The Code Of Ordinances, City Of South Fulton, GA To Add Section 1-6011 Temporary Employment Services And For Other Lawful Purposes (Sponsored by Councilmembers Williams, Willis, Sebastian, Reeves)

Motion (Approve): Councilmember Williams

Second: Councilmember Reeves

[Motion Approved]

Yea: 5 Gumbs, Reeves, Sebastian, Williams, Willis

Nay: 1 Rowell

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve An Ordinance To Amend Title 1, Administration, Chapter 6, Municipal Employees, Of The Code Of Ordinances, City Of South Fulton, GA To Add Section 1-6011 Temporary Employment Service.

The motion was approved 5-1. Councilmember Rowell voted in opposition.

16. 5:45 p.m. Request Council Approval for the Implementation of the South Fulton Police Department Incentive Pay Plan, effective Oct. 1, 2022. Employees will be eligible for up to \$10,000 in incentives in addition to their Base salary. SFPD General Fund – Personnel (Police)

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

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the Implementation of the South Fulton Police Department Incentive Pay Plan, effective Oct. 1, 2022. Employees will be eligible for up to \$10,000 in incentives in addition to their Base salary.

The motion was approved unanimously.

X. 6:15 p.m. Intermission - 15 minutes

XI. 6:30 p.m. Public Hearing and Presentations

17. 6:30 p.m. Request Council Approval of a Resolution to modify the geographic boundaries of the City of South Fulton's Urban Redevelopment Area (URA) by adding Fulton Industrial Boulevard as a redevelopment area. This redevelopment area in the Urban Redevelopment Plan (URP) will be considered "URA 14 – Fulton Industrial Boulevard". (Economic Development)

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

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

Public Hearing held. One comment was received.

Naeema Gilyard: Questioned the funding for the new area.

A motion was made to approve a Resolution to modify the geographic boundaries of the City of South Fulton's Urban Redevelopment Area (URA) by adding Fulton Industrial Boulevard as a redevelopment area. This redevelopment area in the Urban Redevelopment Plan (URP) will be considered "URA 14 – Fulton Industrial Boulevard".

The motion was approved unanimously.

18. 6:35 p.m. Old National Highway Corridor Livable Centers Initiative (LCI)
(Presented by The Collaborative Firm)

Minutes:

Presentation presented by Michael Hightower and Adam Ivory with The Collaborative Firm.

Question and answer period conducted.

Councilmember Willis requested that the City Manager conduct a comprehensive review of all studies conducted and bring a recommendation to the City Council for funding.

- XII. 6:50 p.m. Alcohol License, Rezoning, Variance and Modification Cases (For Motion and Vote)

19. 6:50 pm Request Council Approval of an alcohol license for General Wholesale Co. dba General Wholesale Co. for an alcohol license for the wholesale sale of beer at 300 Villanova Drive, South Fulton, GA 30336 (District 1)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Alcohol License for General Wholesale Co. dba General Wholesale Co. for an alcohol license for the wholesale sale of beer at 300 Villanova Drive, South Fulton, GA 30336.

The motion was approved unanimously.

20. 6:52 p.m. Request Council Approval of an alcohol license for Crown Imports LLC, dba Crown Imports for an alcohol license for the wholesale sale of beer and distilled beverages at 105 Eagle Vista Pkwy., SW Atlanta, GA 30336 (District 1)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Alcohol License for Crown Imports LLC, dba Crown Imports for an alcohol license for the wholesale sale of beer and distilled beverages at 105 Eagle Vista Pkwy., SW Atlanta, GA 30336.

The motion was approved unanimously.

21. 6:55 p.m. Request Council Approval of an alcohol license for Gas Express, Inc. dba Circle K #230 for an alcohol license for the retail sale wine and malt beverages at 5955 Fulton Industrial Blvd., Suite A, Atlanta, GA 30336 (District 1)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Alcohol License for Gas Express, Inc. dba Circle K #230 for an alcohol license for the retail sale wine and malt beverages at 5955 Fulton Industrial Blvd., Suite 100 (A), Atlanta, GA 30336.

The motion was approved unanimously.

Councilmember Rowell requested that the record reflect that this license is for the location which already possess a temporary license.

22. 7:00 p.m. U22-006: Request Council Consideration of a special use permit for a boarding school located at 5545 Stonewall Tell Rd. (District 3)

Motion (Approve w/ Conditions): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve U22-006: Request for a special use permit for a boarding school located at 5545 Stonewall Tell Rd. with the following condition: Prior to the issuance of the Certificate of Occupancy, the Police Chief shall review and approve a Security Plan for the proposed Boarding School.

The motion was approved unanimously.

23. 7:03 p.m. U22-008: Request Consideration of a special use permit for a hair salon located at 5495 Old National Hwy. Suite C-S. (District 5)

Motion (Deny): Councilmember Reeves

Second: Councilmember Willis

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to deny U22-008: Request for a special use permit for a hair salon located at 5495 Old National Hwy. Suite C-S.

The motion to deny was approved unanimously.

24. 7:08 p.m. Z22-010: Request Consideration of a request to rezone from AG-1 to CUP for 77 single family homes located 7500 Hall Rd. (District 4)

Motion (Deny): Councilmember Sebastian

Second: Councilmember Reeves

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to deny Z22-010: Request to rezone from AG-1 to CUP for 77 single family homes located 7500 Hall Rd.

The motion to deny was approved unanimously.

XIII. 7:32 p.m. Agenda Items - Part Two

25. AMERICAN RESCUE PLAN ACT (ARPA)

7:32 p.m. Request Council Approval to enter into an agreement with Greocko, Inc. (dba) LiveStores/ FORWARD for an amount not to exceed \$115,000.00 to administer the Mortgage and Rental Assistance Program for the City of South Fulton. Funding has been allocated from the ARP FY 22 budget and CDRA Professional Services FY 23 budget (100-7410-52-1200). (CDRA)

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs
[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve an agreement with Greocko, Inc. (dba) LiveStores/ FORWARD for an amount not to exceed \$115,000.00 to administer the Mortgage and Rental Assistance Program for the City of South Fulton.

The motion was approved unanimously.

Councilmember Willis requested that staff provide a press release and market the program.

26. PLANNING AND PUBLIC WORKS

7:38 p.m. Request Council Approval to transfer \$1.2 million from general fund revenue to the CDRA Professional Services line item (Acct: # 100-7410-52-1200) FY 22 to pay for outstanding invoices for Charles Abbott Associates (CAA). (CDRA)

27. 7:48 p.m. Request Council Approval for purchase of a new mobile stage from a single sole source vendor in the amount of \$216,725.00 using funds that was approved at the mid-year budget. Requesting council to award a single sole source contract to Wenger Corporation. 100-6110-54-2500 (Parks and Recreation)

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

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the purchase of a new mobile stage from a single sole source vendor in the amount of \$216,725.00 using funds that was approved at the mid-year budge and that council award a single sole source contract to Wenger Corporation.

The motion was approved unanimously.

28. 7:52 p.m. Request approval of an Intergovernmental Agreement with City of Atlanta Department of Watershed Management to relocate water lines in conflict with project OSI 604 Campbellton Road at Stonewall Tell Road. The City of Atlanta will advance payment upon execution of the agreement for the anticipated cost of construction, inspection and oversight of the work up to \$93,738.00. (Public Works)

Motion (Approve): Councilmember Gumbs

Second: Councilmember Rowell

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Intergovernmental Agreement with City of Atlanta Department of Watershed Management to relocate water lines in conflict with project OSI 604 Campbellton Road at Stonewall Tell Road.

The motion was approved unanimously.

29. 7:58 p.m. Request Council Approval of payment to Greystone Power for the Power/Fiber for relocation costs associated with the relocation of conflicting power lines and poles on the double roundabout project T242 - Butner Road at Stonewall Tell Road project. Relocation cost in the amount of \$76,150.86, will be allocated from the Capital Improvement Acct#:335-4100-54-1400. (Public Works)

Motion (Approve): Councilmember Willis

Second: Councilmember Sebastian

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a payment to Greystone Power for the Power/Fiber for relocation costs associated with the relocation of conflicting power lines and poles on the double roundabout project T242 - Butner Road at Stonewall Tell Road project. Relocation cost in the amount of \$76,150.86.

The motion was approved unanimously.

30. 8:02 p.m. Request approval of a contract for Acquisition of Rights of Way (ROW) for Federal- or State-Aid Project between the Georgia Department of Transportation (GDOT) and City of South Fulton for T277 Cochran Road over Camp Creek Bridge Replacement Project. The City of South Fulton is responsible for the 20% match (\$30,000) and 80% (\$120,000) Federal Funds of the total ROW cost (\$150,000) of the project. The 80% will be reimbursed to the City upon completion. Funding provided from Capital Improvement Acct 351-4100-54-1400. (Public Works)

Motion (Approve): Councilmember Sebastian

Second: Councilmember Williams

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a contract for Acquisition of Rights of Way (ROW) for Federal- or State-Aid Project between the Georgia Department of Transportation (GDOT) and City of South Fulton for T277 Cochran Road over Camp Creek Bridge Replacement Project with the City of South Fulton is responsible for the 20% match (\$30,000) and 80% (\$120,000) Federal Funds of the total ROW cost (\$150,000) of the project.

The motion was approved unanimously.

31. 8:07 p.m. Request Council Approval of the installation of eight (8) speed tables, as a solution to addressing the excessive speed within the Enon Pines Subdivision. The purchase and installation of the eight speed tables in the amount of \$30,000 will be funded out of the school zone camera line 100-4100-52-1200, using District 1 funds. (Public Works)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the installation of eight (8) speed tables, as a solution to addressing the excessive speed within the Enon Pines Subdivision and to approve the purchase and installation of the eight speed tables in the amount of \$30,000 will be funded out of the school zone camera line 100-4100-52-1200, using District 1 funds.

The motion was approved unanimously.

-
32. 8:10 p.m. Request Council Approval of the Supplemental Agreement with Qk4 in the amount of \$87,466.19 to cover the additional scope and fees required to complete additional design and environmental services on project T266 New Hope Road Sidewalks. The funding is provided from the Capital Improvement Acct. 351-4100-54-1400. (Public Works)

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a Supplemental Agreement with Qk4 in the amount of \$87,466.19 to cover the additional scope and fees required to complete additional design and environmental services on project T266 New Hope Road Sidewalks.

The motion was approved unanimously.

33. 8:13 p.m. Request Council Approval to enter into a professional services agreement with Lowe Engineers, LLC to provide 24/7 traffic engineering support in various capacities and management of the CIP and T-SPLOST Programs, including the Fulton Industrial Area. The agreement will be effective October 1, 2022, and ending September 30, 2023 with three one-year renewal terms until September 30, 2026.(Public Works) (This item was previously approved at the August 23, 2022 City Council Meeting)

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a professional services agreement with Lowe Engineers, LLC to provide 24/7 traffic engineering support in various capacities and management of the CIP and T-SPLOST Programs, including the Fulton Industrial Area with an effective date of October 1, 2022, and ending September 30, 2023 with three one-year renewal terms until September 30, 2026.

The motion was approved unanimously.

34. 8:18 p.m. Second Read and Request Council Approval of An Ordinance To Amend The City of South Fulton Zoning Ordinance For The Purpose Of Amending The Regulations Related To Fastening Bills, Advertisements, Notices To Poles and Trees, And Signs In Rights-Of-Way; And For Other Lawful Purposes (Sponsored by Councilmember Rowell)
35. 8:23 p.m. Second Read and Request Council Approval of An Ordinance To Amend The City Of South Fulton Zoning Ordinance For The Purpose Of Amending The Regulations Related To Solid Waste Transfer Stations; And For Other Lawful Purposes (Sponsored by Councilmember Rowell)

Motion (Approve): Councilmember Rowell

Second: Councilmember Sebastian

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Ordinance To Amend The City Of South Fulton Zoning Ordinance For The Purpose Of Amending The Regulations Related To Solid Waste Transfer Stations.

The motion was approved unanimously.

36. **PUBLIC SAFETY**

8:33 p.m. Second Read and Request Council Approval of An Ordinance To Amend Various Sections Of Title 16, Alcoholic Beverages, Of The City Of South Fulton Code Of Ordinances For Compliance With State Laws; To Update Certain Regulations Related To The Alcohol Fee Schedule; And For Other Lawful Purposes (Police)

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve an Ordinance To Amend Various Sections Of Title 16, Alcoholic Beverages, Of The City Of South Fulton Code Of Ordinances For Compliance With State

A motion was approved unanimously.

37. 8:40 p.m. Request Council Approval of A Resolution Accepting Donation from Omni Trax in the amount of \$1,000 to the South Fulton Fire Department on behalf Owens Corning. (Fire)

Motion (Approve): Councilmember Rowell

Second: Councilmember Reeves

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a Resolution Accepting Donation from Omni Trax in the amount of \$1,000 to the South Fulton Fire Department on behalf Owens Corning.

The motion was approved unanimously.

XIV. 8:43 p.m. Council Comments

XV. 8:57 p.m. Executive Session, if needed

Motion (Reconvene): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 5 Gumbs, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

A motion was made to reconvene from Executive Session at 8:20 PM.

The motion was approved 5-0. Mayor Pro Tem Reeves was not present.

Motion (Recess): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made at 8:15 PM to recess for an Executive Session to discuss Real Estate, Litigation and Personnel.

The motion was approved unanimously.

XVI. Adjournment of Meeting

Motion (Adjourn): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 5 Gumbs, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

A motion was made to adjourn the Regular Meeting at 8:20 PM.

The motion was approved 5-0. Mayor Pro Tem Reeves was not present.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Work Session Minutes from October 11, 2022

DATE: October 25, 2022

SUBJECT: Request Council Approval of City Council Work Session Minutes from October 11, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Alcohol/Zoning Public Hearing Minutes from October 11, 2022

DATE: October 25, 2022

SUBJECT: Request Council Approval of City Council Alcohol/Zoning Public Hearing Minutes from October 11, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_ZPH_2022_10_11_Meeting_DRAFT	Cover Memo	10/25/2022

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - ALCOHOL/ZONING PUBLIC HEARINGS
Tuesday, October 11, 2022, 6:00 PM



SPECIAL CALLED MEETING MINUTES

1. 6:00 PM Meeting Called to Order – Mayor khalid

Minutes:

The meeting was called to order by Mayor khalid kamau at 6:22 PM.

The meeting is being conducted under special emergency circumstances due to the COVID-19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in real-time via the City's YouTube channel.

2. 6:01 PM Roll Call - Corey Adams, City Clerk

Minutes:

Attendee Name	Title	Status	Arrived
khalid kamau	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jacey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Absent	
VACANT	District 7 Councilmember		

Following the roll call by the City Clerk, a quorum was established. Councilmember Williams was absent.

3. 6:03 PM Alcohol Licenses, Rezoning, Variance and Modification Cases
(For Public Hearing Only)

1. Public Hearing to consider Z22-006: The applicant, City of South Fulton, is requesting a rezoning from A (Medium Density Apartments) Zoning District to R-3 (Single-Family Dwelling) Zoning District on 23.44 +/- acres of land. The subject property is located along Cascade Road, generally bounded by Cascade Rd. to the north, New Hope Rd. to the east, New Britan Dr. to the south, and Trammell Crow Park to the west. (District 1)

Minutes:

Public Hearing held. Two comments were received.

**Support: Vangie Watkins, District 1
Alvin Reynolds, District 7**

Opposition: Michael Venable, District 6

Discussion conducted.

4. Council Comments

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

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

Minutes:

Council Comments provided during Work Session Meeting.

1. Executive Session (if necessary)

Minutes:

Executive Session not held.

5. Adjournment of Meeting

Motion (Adjourn): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 4 Gumbs, Rowell, Sebastian, Willis

Nay: 0

Abstain: 0

Not Voting: 2 Reeves, Williams

Minutes:

A motion was made to adjourn the Special Called Meeting at 6:35 PM.

The motion was approved 4-0. Mayor Pro Tem Reeves did not vote. Councilmember

Williams was absent.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Special Called Meeting Minutes from October 11, 2022, and October 20, 2022.

DATE: October 25, 2022

SUBJECT: Request Council Approval of City Council Special Called Meeting Minutes from October 11, 2022, and October 20, 2022.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_SCM_2022_10_11_Meeting_DRAFT	Cover Memo	10/25/2022
Minutes_SCM_2022_10_20_Meeting_DRAFT	Cover Memo	10/25/2022

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - SPECIAL CALLED MEETING
Tuesday, October 11, 2022, 3:00 PM



SPECIAL CALLED MEETING MINUTES

1. 3:00 pm Meeting Called to Order – Mayor khalid

Minutes:

The meeting was called to order by Mayor khalid kamau at 3:00 PM.

The meeting is being conducted under special emergency circumstances due to the COVID-19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in real-time via the City's YouTube channel.

2. 3:01 pm Roll Call - Corey Adams, City Clerk

Minutes:

Attendee Name	Title	Status	Arrived
khalid kamau	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jaceey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Absent	
VACANT	District 7 Councilmember		

Following the roll call by the City Clerk, a quorum was established. Councilmember Williams was absent.

3. Agenda Items

1. Council Comments

2. Request Council Approval of a Sublease for Property located 100 Hartsfield Centre Parkway, Atlanta, GA 30354 (Police)

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

Yea: 5 Gumbs, Reeves, Rowell, Sebastian, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Williams

Minutes:

A motion was made to approve a Sublease for Property located 100 Hartsfield Centre Parkway, Atlanta, GA 30354.

The motion was approved 5-0. Councilmember Williams was absent.

3. Request Council Approval to Negotiate a Sublease for a Public Works Operations Center (Public Works)

Minutes:

City Manager Tammi Saddler Jones informed the Mayor and City Council that the sublease as listed on the agenda is not ready for voting consideration. The item will be brought back to the body at a later time.

4. Request Council Approval of A Resolution to Purchase Equipment and Vehicles from Jacobs/CH2M Hill (Public Works)

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

Yea: 4 Gumbs, Rowell, Sebastian, Willis
Nay: 0
Abstain: 0
Not Voting: 2 Reeves, Williams

Minutes:

A motion was made to approve A Resolution to Purchase Equipment and Vehicles from Jacobs/CH2M Hill.

The motion was approved 4-0.

4. Adjournment of Meeting

Motion (Adjourn): Councilmember Rowell
Second: Councilmember Sebastian
[Motion Approved]

Yea: 4 Gumbs, Rowell, Sebastian, Willis

Nay: 0

Abstain: 0

Not Voting: 2 Reeves, Williams

Minutes:

A motion was made to adjourn the Special Called Meeting at 4:19 PM.

The motion was approved 4-0. Mayor Pro Tem Reeves did not vote. Councilmember Williams was absent.

CITY OF SOUTH FULTON, GEORGIA
SPECIAL CALLED MEETING - Welcome All Park Multipurpose Facility, 4255 Will Lee
Rd, South Fulton, GA 30349
Thursday, October 20, 2022, 6:00 PM



SPECIAL CALLED MEETING MINUTES

1. 6:00 p.m. Meeting Called to Order - Mayor khalid

Minutes:

The meeting was called to order by Mayor khalid kamau at 6:03 PM.

2. 6:01 p.m. Roll Call - Corey Adams, City Clerk

Minutes:

Attendee Name	Title	Status	Arrived
khalid kamau	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jaceey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Present	
VACANT	District 7 Councilmember		

Following the roll call by the City Clerk, a quorum was established. Mayor Pro Tem Reeves was present via Zoom.

3. Agenda Items

1. Council Comments

2. 6:02 p.m. Request Council Approval to Negotiate a Sublease for a Public Works Operations Center (Public Works)

Motion (Defer): Councilmember Rowell

Second: Councilmember Gumbs
[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to defer the Negotiation for a Sublease for a Public Works Operations Center until the October 25, 2022 Council Meeting. The sublease is still under consideration.

The motion to defer was approved unanimously.

3. 6:32 p.m Presentation of RFP Process and Vendor Selection for Citywide Sanitation Service (staff)

Minutes:

Gordon Burkette, Solid Waste Coordinator, provided a Presentation of the RFP Process and Vendor Selection for Citywide Sanitation Service.

4. 6:52 pm Questions from City Council
5. 7:12 p.m Public Comment

Minutes:

There were 5 people who submitted public comments as follows:

1. Reshard Snellings, District 1: Opposed to single source trash service
 2. Connie Robinson, District 2: Opposed to single source trash service
 3. Phyliss Henderson, District 5: Questions regarding CPI increases, management of service, transition plan and communication to citizens.
 4. Colonel Anthony Aikens, District 3: Concerned about sample size of survey and tying collection of sanitation fees to the tax bill.
 5. Ron Booth, District 2: Opposed to single source trash service
-

6. 7:52 p.m. Response to Public Comment by Staff and Council

4. Adjournment of Meeting

Motion (Adjourn): Councilmember Williams
Second: Councilmember Sebastian
[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Special Called Meeting at 7:47 PM.

The motion was approved unanimously.

Motion (Adjourn): Councilmember Williams

Second:

[Motion Approved]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Special Called Meeting at 7:47 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Mayor/Council Proclamations for Spreading on the Minutes

DATE: October 25, 2022

SUBJECT: Mayor/Council Proclamations for Spreading on the Minutes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
“HERSCHEL J. ROBINSON, JR.,(HRSA) and Tri-Cities High School Alumni Association (TCHSAA) Day -(khalid 9.30.22)	Cover Memo	10/25/2022
10.7.2022 Shiloh Baptist Church _ Sebastian	Cover Memo	10/25/2022
10.14.2022 NIDO Americas _ Sebastian	Cover Memo	10/25/2022
Proclamation - James McLaughlin, Jr., (Willis 10.22.22)	Cover Memo	10/25/2022
Proclamation _DJ Greg Street _khalid 9.28.2022	Cover Memo	10/25/2022



City of South Fulton

WHEREAS, the City of South Fulton, Georgia, seeks to acknowledge the indomitable Tri-Cities High School, as a stalwart and fixture in our South Fulton Community, and the broader collective; and

WHEREAS, Tri-Cities High School, established in 1988, bringing together high school students from the cities of Hapeville, College Park, and East Point, have produced graduates that have produced global impact in business, politics, the arts, sports, and education, including but not limited to: Multi-platinum and Grammy winning Rap group “Outkast’s” Andre 3000 and Big Boi, multiplatinum R&B group “Xscape’s” Kandi Burruss, Latocha Scott, and Tamika Scott, Saturday Night Live star Kenan Thompson, Tony award nominated actress Saycon Sengbloh, Sahr Ngaujah, Joaquina Kalukango, Multi-platinum and Grammy Winning R&B group Jagged Edge’s Richard Wingo, Multi-platinum and Grammy winning TLC’s T-Boz, Danity Kane’s D.Woods, as well as rap superstars Lil Baby, Young Thug, Dr. Reggie Jackson, Attorney Emilia Walker-Ashby, Judge Shermela Williams, NFL star Randy Thomas, UFC fighter Brian Houston, Alvin Ailey’s Juel D. Lane, and many more; and

WHEREAS, Tri Cities High School Alumni Association provides leadership, scholarships, and resources to advance the students, faculty and professionals of Tri-Cities High School, including but not limited to: High School Association President LaToya KaVon Arnold, Principal Ethel Letts, and the City of South Fulton’s Mayor khalid, who has continued the ethos of “Black on Purpose”; and

WHEREAS, Dr. Herschel J. Robinson Jr., a distinguished educator and administrator who served as the first principal of Tri-Cities High School, championed education for all people, believing through education that a person’s potentials were limitless; he not only founded scholarships designed to further students seeking higher education, thereby broadening their spectrum; and

WHEREAS, the Herschel Robinson Success Academy was founded in his good name, endeavoring to positively alter the trajectory of deserving and off-track students, that they could graduate early, on time, and/or as quickly as requirements can be completed through the blended, non- traditional approach to education.

Now, therefore be it resolved, that the Mayor and City Council of the City of South Fulton do hereby proclaim Friday September 30th, 2022, as “**HERSCHEL J. ROBINSON, JR., (HRSA) and Tri-Cities High School Alumni Association (TCHSAA) Day** in the City of South Fulton, Georgia.

Hon. Mayor khalid



City of South Fulton

WHEREAS, on October 9, 2022, Shiloh Baptist Church located at 5222 Koweta Road in the City of South Fulton, Georgia will celebrate 90 years of faithful service to our God, our country, and our community; and

WHEREAS, Shiloh Baptist Church's origin dates back to October 12, 1932, in an old church building on Ham Street in College Park, Georgia under the leadership of Reverend S.E. Gore, moderator; and

WHEREAS, Shiloh Baptist Church has been blessed with a long history of powerful and gifted pastors, including the Church's first pastor, Reverend H. T. Thomas, who served for thirty-four years. After the passing of Reverend Thomas, the Church was blessed with the spiritual leadership of the following pastors: Reverend P. Williams, Reverend C. L. Carter, Reverend R. L. Jordan, Reverend D. L. Cantrell, Sr., Reverend C. L. Powell, and culminating with the current pastor, Reverend Le'Zaire D. Reese, who began his pastorate on February 4, 2018; and

WHEREAS, the mission of Shiloh Baptist Church is, "We exist to declare and demonstrate the liberating power of the gospel of Jesus Christ by communicating the love of God to everyone that enters"; and

WHEREAS, Shiloh Baptist Church ministers to and serves those most vulnerable, such as the youth, the elderly, the homeless and the least of these which is a testament to the Church's motto, "A Church with God's Heart"; and

WHEREAS, the City of South Fulton is proud to partake in the 90-year anniversary in recognition of the founding of this stalwart and fixture in the College Park and South Fulton Community and celebrates the Church's continued spiritual and physical growth, under the leadership of Reverend Le'Zaire D. Reese.

NOW, THEREFORE, BE IT RESOLVED, that Mayor and City Council of the City of South Fulton celebrates with members and friends Shiloh Baptist Church's 90 years of service and commitment to the community and do hereby proclaim Sunday, October 9, 2022 as **SHILOH BAPTIST CHURCH DAY** in the City of South Fulton.

Jaceey Sebastian, Councilman, District 4



City of South Fulton

WHEREAS, Nigerians in Diaspora Organization Americas, also known as NIDO Americas, is an international organization formed in 2000 with a vision to harness the tremendous skill, exposure, expertise and knowledge base of Nigerian residents outside Nigeria with a view to using this as a resource base to promote socio-economic and infrastructural development back in Nigeria; and

WHEREAS, NIDO Americas is the single representative body recognized by the Federal Government of Nigeria as an umbrella body for Nigerian Citizens in the Diaspora representing more than an estimated 400,000 Nigerian citizens living in the United States; and

WHEREAS, NIDO Americas' mission is to promote the spirit of patriotism, networking, and cooperation among Nigerians in the Diaspora, for their individual and collective success in the countries of the Americas where they reside, and to mobilize the vast resources of manpower and machinery toward building a greater Nigeria; and

WHEREAS, NIDO Americas will convene for their 2022 Annual General Meeting and World Conference from October 13-16, 2022 with their theme of "A Unified NIDO for Transformational Impact on Nation Building"; and

WHEREAS, the NIDO Americas Annual General Meeting will be a time to celebrate the successes of Nigerians in the Diaspora including assisting during the Covid-19 pandemic by working with the foreign affairs and embassies in providing medical services, working with the Federal Government to provide information and communication technology to empower the youth and promoting the spirit of patriotism among Nigerians; and

WHEREAS, the City of South Fulton proudly celebrates Nigerians in Diaspora Organization Americas for their contributions and assistance provided to Nigerian Citizens in the City of South Fulton and throughout the Metropolitan Atlanta area including professional networking, social advocacy, education, healthcare, technological and economic empowerment, as well as skills and cultural exchange projects.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of South Fulton congratulates Nigerians in Diaspora Organization Americas on the occasion of their 2022 Annual General Meeting and World Conference and do hereby proclaim Friday, October 14, 2022 as **NIGERIANS IN DIASPORA ORGANIZATION AMERICAS DAY** in the City of South Fulton.

Jaceey Sebastian, Councilman, District 4



City of South Fulton

WHEREAS, James McLaughlin, Jr., was born in 1940 in Clarksdale, Mississippi and was the eldest of seven children to Katie Rainey and James McLaughlin, Sr.; and

WHEREAS, James developed a strong work ethic by assisting his father on the family farm and excelling in school. James nurtured his quest for education and in 1958 became the first in his family to attend college when he entered Tougaloo College, a historically black college in Tougaloo, Mississippi; and

WHEREAS, James flourished at Tougaloo while studying mathematics and physics. Socially, James pledged the first intercollegiate fraternity for African-American men, Alpha Phi Alpha Fraternity, Inc. through the Gamma Upsilon chapter. Additionally, James met the love of his life, Elsie Burnett, while at Tougaloo and they would enjoy 58 years of blissful marriage including the addition of two daughters, Sonya and Sabrina; and

WHEREAS, Upon graduation from Tougaloo in 1962, James entered the United States Air Force and rose through the ranks to earn the rank of Captain. Upon honorable discharge from the Air Force, James earned a Master of Business Administration degree from the University of Missouri at Columbia in 1969 and began a 31-year career in corporate America with IBM Corporation. New opportunities within the company moved him between New York, New Jersey and Connecticut, culminating with an international assignment that transferred him to Paris, France; and

WHEREAS, James has always been a man of faith and attended church service regularly. James served in key leadership roles over the years, taught adult Sunday school and even spent years singing baritone in the men's choir; and

WHEREAS, James not only loved his church and his family, but he also possessed another passion for the game of Bridge which was developed from his military days. In addition to teaching Bridge to seniors, James served his community as an ombudsman in a nursing home, volunteered with the United Way, and was a board member of the Wesley Foundation. In his spare time, you could find James jogging, playing tennis or golfing with friends; and

WHEREAS, the City of South Fulton is honored to commemorate the life and legacy of James McLaughlin, Jr. He will always be remembered as one who loved the Lord, cherished his family, and served his country and community. Mr. McLaughlin was a faithful husband to his wife, Elsie, and a doting father to his beloved daughters, Sonya Halpern and Sabrina Smith.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of South Fulton acknowledges the gifts and graces of Mr. McLaughlin, shares in the celebration of his life and legacy, and does hereby proclaim Saturday, October 22, 2022, as **JAMES MCLAUGHLIN, JR. APPRECIATION DAY** in the City of South Fulton.

Councilwoman Helen Willis, District 3



City of South Fulton

WHEREAS, the City of South Fulton, Georgia, seeks to acknowledge the indomitable Gregory Polk, professionally known as DJ Greg Street, as a stalwart and fixture in our South Fulton Community, and the broader collective; and

WHEREAS, Greg Street, an American disc jockey, record producer and host on Atlanta's V-103 radio station — known as the *Voice of The People* — has famously been on radio airwaves for over 20 years, contributing to the careers of many of Hip-Hop's biggest names, including but not limited to: Master P, Lil Wayne, Cyhi Da Prynce, Big Sean, B.o.B., Trick Daddy, Nicki Minaj, Ice Cube, Meek Mill, Outkast, UGK, Rick Ross, and many more; and

WHEREAS, Greg Street, who has always had a heart for the marginalized and dispossessed, as evidenced by his partnerships and endeavors in the inner city, established WeNeed2Read, a nonprofit corporation whose mission is to prepare and motivate children to boost the literacy and comprehension levels in elementary and high school students, and for over ten years this initiative has donated thousands of dollars in scholarships to participating students; and

WHEREAS, Greg Street's WeNeed2Read offers a monetary incentive for teams of high school students to read and write reports on as many books as possible; and due to his devotion to altering the trajectory of those who are on the downside of advantage, Sunshine Sunrise Enterprise awarded Greg Street with the *Voice for Change* award during this year's *Push for Change* event; and

WHEREAS, the City of South Fulton's Oakley Elementary School and Renaissance Middle School is proud to partake in Greg Street's WeNeed2Read initiative; and

WHEREAS, Greg Street's work supports South Fulton Mayor Khalid's efforts to promote a R.I.C.H. (Reading, Inclusive Civics & History) curriculum and embodies his ethos of being *Black on Purpose* — working to improve outcomes for communities of color.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of South Fulton do hereby proclaim Sunday, January 8, 2023 as "**GREG STREET APPRECIATION DAY**" in the City of South Fulton, Georgia.

Hon. Mayor Khalid

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Proclamation Presentation: Recognizing Retired South Fulton Educators

DATE: October 25, 2022

SUBJECT: Proclamation Presentation: Recognizing Retired South Fulton Educators

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 4:55 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Creating Department of Public Affairs and Special Events

DATE: October 25, 2022

SUBJECT: 4:55 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Creating Department of Public Affairs and Special Events

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor VETO 10.7.2022 (O2022-038)	Cover Memo	10/21/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.

The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.

An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

Date of Adoption: 9/27/2022 **Item Number:** ORD 2022-038

Subject: AN ORDINANCE BY THE CITY OF SOUTH FULTON CREATING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; ESTABLISHING THE POSITIONS OF DIRECTOR OF PUBLIC AFFAIRS AND SPECIAL PROJECTS MANAGER WITHIN THE DEPARTMENT, PROVIDING THE JOB SUMMARY AND PRINCIPAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC AFFAIRS; AND FOR OTHER LAWFUL PURPOSES. – Motion by Willis/Williams - Approved 6-0

Reason for Veto:

Date to Mayor: 9/30/2022 **Date of Veto:** 10/7/2022

Mayor's Signature: [Signature] **Reason:** Fiscally imprudent

Date Received by City Clerk: 10/7/2022

Date to Councilmembers: 10/7/2022

Date of next Regular Meeting of City Council: October 25, 2022

Action Taken at City Council Meeting:



MAYOR'S SIGNATURE PAGE

Per the City Charter, "Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section. The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt."

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: September 27, 2022 Item Number: ORD2022-038

Subject: AN ORDINANCE BY THE CITY OF SOUTH FULTON CREATING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; ESTABLISHING THE POSITIONS OF DIRECTOR OF PUBLIC AFFAIRS AND SPECIAL PROJECTS MANAGER WITHIN THE DEPARTMENT, PROVIDING THE JOB SUMMARY AND PRINCIPAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC AFFAIRS; AND FOR OTHER LAWFUL PURPOSES.

Date Received by Mayor: September 29, 2022

☐

APPROVED

☐

DISAPPROVED

Mayor's Signature: _____

Date to City Clerk: _____

AN ORDINANCE BY THE CITY OF SOUTH FULTON CREATING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; ESTABLISHING THE POSITIONS OF DIRECTOR OF PUBLIC AFFAIRS AND SPECIAL PROJECTS MANAGER WITHIN THE DEPARTMENT, PROVIDING THE JOB SUMMARY AND PRINCIPAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC AFFAIRS; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Williams, Willis)

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 duly elected governing authority of the City, is the Mayor and Council thereof ("City Council");

WHEREAS, pursuant to City Charter Section 3.10 (c), the City Council is authorized to establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the City as it shall deem necessary for the proper administration of the affairs of the government of the City; and

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

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

Section 1. Creation of Department of Public Affairs. Pursuant to City of South Fulton Charter Section 3.10(c) and 3.10(d), and Sec. 4.10 *et seq.*, the City Council hereby creates the City of South Fulton Department of Public Affairs and Special Projects.

Section 2. Director of Public Affairs. The job responsibilities of the Director of Public Affairs shall be to provide leadership for external media, government, and public relations components of the City, manage media relations and public relations for the City, and manage Citywide special projects, to include, but not be limited to, job fairs, state of the city address, feeding the city holiday day events, etc. The responsibilities and duties of the Director of Public Affairs, as well as the qualifications for the position, are further described in Attachment "A", attached hereto.

Section 3. Special Projects Manager. The position of Special Projects Manager within the City Manager's office shall be transferred to the Department of Public Affairs and Special Projects.

Section 4. Reporting. The Director of Public Affairs shall report to the City Manager in accordance with City Charter Sec. 3.10A(2), and shall be appointed, removed, and

supervised by the City Manager in accordance with City Code Sec. 1-6007. The Special Projects Manager shall report to the Director of Public Affairs.

Section 5. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

Section 6. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 7. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 8. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

The foregoing ORDINANCE No. 2022-038, adopted on September 27, 2022 was offered by Councilmember Willis, who moved its approval. The motion was seconded by Councilmember Williams, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	<u> </u>	<u> </u>
Carmalitha Gumbs	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> X </u>	<u> </u>
Helen Zenobia Willis	<u> X </u>	<u> </u>
Jaceey Sebastian	<u> X </u>	<u> </u>
Corey Reeves, Mayor Pro Tem	<u> X </u>	<u> </u>
Natasha Williams	<u> X </u>	<u> </u>
Vacant	<u> </u>	<u> </u>

First Read: August 23, 2022
Second Read: September 27, 2022

THIS ORDINANCE adopted this 27th day of September 2022.

CITY OF SOUTH FULTON, GEORGIA

khalid kamau, MAYOR

ATTEST:

COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

 9/29/22

VINCENT D. HYMAN, CITY ATTORNEY

JOB DESCRIPTION

In collaboration with the city manager, provides leadership for the external media, government, and public relations components of the city's communication plan. Works with the Communications Director to plan, implement and ensure city communications policies and practices are followed.

Manages media relations for the city. Develops and implements a strategic media relations campaign to ensure a positive public image for the city. Works with the media to obtain press coverage on the city. Maintains contact with city manager in matters relating to news media, public statements, crisis communications and public relations activities. Represents the city to news media. Oversees development and dissemination of press releases, web features, and other external media communications. Works with state and national elected officials to promote media awareness of city issues.

Manages public relations for the city. Plans external audience special events for the city. Provides guidance and support to the city manager on planning events and other public relations activities. Represents the city at public events, press conferences and meetings.

Leads special projects for the City. Serves as the point person for specific initiatives to advance the City's mission and goals. Develops and implements new programs and projects. Develops long-term strategies for citywide growth. Coordinates with vendors to ensure that events run smoothly. Directs the special projects manager in his or her role.

EDUCATION/EXPERIENCE REQUIREMENTS

B.A. in Communications, Public Relations, or Journalism

Minimum five (5) years experience working directly with elected officials at various levels of government

Requires thorough and understanding knowledge of press/media relations, advertising and promotion, marketing, and communications.

Experience functioning successfully as a communications strategist and spokesperson in a politically charged environment

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:00 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Amending Departments

DATE: October 25, 2022

SUBJECT: 5:00 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Amending Departments

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor VETO 10.7.2022 (O2022-030)	Cover Memo	10/21/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.

The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.

An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

Date of Adoption: 9/27/2022 **Item Number:** ORD2022-030

Subject: AN ORDINANCE TO AMEND SECTION 1-6009, DEPARTMENTS, GENERALLY, FOR THE PURPOSE OF MODIFYING THE TITLE AND RESPONSIBILITIES OF THE DEPARTMENT OF COMMUNICATIONS AND EXTERNAL AFFAIRS; ADDING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; AND FOR OTHER LAWFUL PURPOSES. – Motion by Willis/Rowell -Approved 6-0

Reason for Veto:

Date to Mayor: 9/30/2022 **Date of Veto:** 10/7/2022

Mayor's Signature: [Signature] Fiscally Imprudent

Date Received by City Clerk: 10/7/2022

Date to Councilmembers: 10/7/2022

Date of next Regular Meeting of City Council: October 25, 2022

Action Taken at City Council Meeting:



MAYOR'S SIGNATURE PAGE

Per the City Charter, "Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section. The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt."

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: September 27, 2022 **Item Number:** ORD2022-030

Subject: AN ORDINANCE TO AMEND SECTION 1-6009, DEPARTMENTS, GENERALLY, FOR THE PURPOSE OF MODIFYING THE TITLE AND RESPONSIBILITIES OF THE DEPARTMENT OF COMMUNICATIONS AND EXTERNAL AFFAIRS; ADDING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; AND FOR OTHER LAWFUL PURPOSES.

Date Received by Mayor: September 29, 2022

☐

APPROVED

☐

DISAPPROVED

Mayor's Signature: _____

Date to City Clerk: _____

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-030

AN ORDINANCE TO AMEND SECTION 1-6009, DEPARTMENTS, GENERALLY, FOR THE PURPOSE OF MODIFYING THE TITLE AND RESPONSIBILITIES OF THE DEPARTMENT OF COMMUNICATIONS AND EXTERNAL AFFAIRS; ADDING THE DEPARTMENT OF PUBLIC AFFAIRS AND SPECIAL PROJECTS; AND FOR OTHER LAWFUL 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 duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, pursuant to City Charter Section 3.10 (c), the City Council is authorized to establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the City as it shall deem necessary for the proper administration of the affairs of the government of the City; and

WHEREAS, the Mayor and City Council of the City of South Fulton finds that this Ordinance is in the best interest of the public health, safety, and welfare.

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

Section 1. That Section 1-6009 (Departments, generally) of Chapter 6 (Municipal Employees) of Title 1 (Administration) of the City of South Fulton Code of Ordinances be amended, in totality, to provide for the newly created Department of Public Affairs, and the following offices and units of governments are established within the city:

- (1) ~~Communications and external affairs~~. Responsible for the development of internal and external communications, coordinates media relations, news releases, the city's website, social media, **branding**, and newsletter.
- (2) Community development and regulatory affairs. Responsible for duties as the office of film and entertainment and all city planning and zoning activities and federal, state and local regulatory compliance related to this function. The head of this department shall be the director of community development & regulatory affairs, who will serve in an advisory capacity to the boards and council in all planning and zoning matters, to make recommendations to amend planning and

regulatory ordinances, and to administer the enforcement of ordinances relating thereto. Additionally, the director or his/her designees will also staff the following boards and commissions:

Code enforcement board,
Historic and cultural landmarks commission,
Planning commission, and
Zoning board of appeals.

- a. Code enforcement. Responsible for the inspection and enforcement of residential and commercial properties that are in violation of the code pertaining to construction, land use regulations and maintenance of structures and premises.
 - b. Planning and zoning. Serves as the primary point of contact with applicants throughout the land development process. Responsibilities include management of processes for the review and approval of land development permits, land disturbance permits, final plats, stream buffer variances, and other related activities to include property zoning information, rezoning, zoning variances, and subdivision platting; and ensuring development projects are designed to meet city design standards and state regulations.
 - c. Permit and land development office. Responsible for the processing and issuance of all building permits, conducting field inspections for safety and occupancy and coordinating the review of all construction documents to ensure that structures are designed per the current applicable codes.
- (3) Destination South Fulton (DSF) is the City of South Fulton's economic development entity. DSF can provide demographic information on the city; assist with site selection to construct or locate businesses; and offer information on funding and incentives which may help attract and sustain existing business.
- (4) Finance. Responsible for providing general oversight and support for financial management, administrative, and technology operations for the city.
- a. Core financial and administrative functions include:
 1. Accounts payable.
 2. Accounts receivable.
 3. Business license processing.
 4. Contract and purchasing oversight.
 5. Payroll.
 6. General ledger administration.
 7. Financial auditing support and compliance with financial reporting requirements.
 8. Cash and debt service management.

9. Budget development and oversight.
 10. Office equipment support.
 11. Financial records management.
 12. Grants administration.
 13. Business license. Responsible for the collection of occupational taxes and issuance of occupational tax certificates (business licenses) within the City of South Fulton. In addition, the office collects various excise taxes including hotel/motel, alcohol, rental, and energy excise taxes.
- b. The chief financial officer shall be authorized to sign all appeal bonds and related bond documentation on behalf of the city council or city, which may be essential to the administration of any case in court.
- c. The following offices are a part of the Finance Department:
1. Accounting.
 2. Purchasing.
 3. Risk management.
 4. Budget management.
 5. Grant administration.
 6. Tax administration.
 7. Grant writing.
- (5) Fire. The Fire Department, led by the fire chief, shall be authorized to ensure that that all rules, regulations and laws of the state and city relative to fire prevention and extinguishment are duly observed.
- (6) Human resources. Headed by the human resources director and responsible for the managing the full range of workforce services, including recruitment and retention, benefits administration, employee relations, personnel records management, training and separation of city personnel.
- (7) Information technology. Headed by the IT director and responsible for the information technology strategy and computer systems while managing all technical services and relationships.
- (8) Municipal court. Headed by the court administrator and responsible for the administration and operation of the city's municipal court system.
- (9) Parks, recreation and cultural affairs. All park and recreation activities shall be the responsibility of the parks and recreation department, which shall be headed by the director of parks and recreation.
- (10) Police. The chief of police and all members of the police department shall have the power and authority of police officers generally and shall perform such duties as are required of them by the council or by law. The chief of police shall have

general superintendence of the police department and custody of all property used and maintained for the purposes of said department.

- (11) **Public Affairs and Special Projects. Responsible for the development of external communications and special projects, coordinates media relations relative to external affairs and special project events, press conferences relative to external affairs events and special projects, news releases and public statements for external affairs events and special projects, social media, and public relations activities. Responsible for the development and implementation of new projects and programs.**

- (12) Public works. Headed by the public works director and responsible for the administration, planning, engineering, construction, and maintenance of the city's infrastructure.

- a. General services. Headed by the facilities manager and oversees new construction as well as the modification, renovation, and major maintenance of city facilities.
- b. Fleet services. Headed by the fleet manager and oversees the maintenance of city vehicles.

Chapter 2. Amendments are shown with strikethrough to denote text to be deleted and **bold underline** to denote text to be added. Where new sections or paragraphs are added that change the numbering of existing sections or paragraphs, all references throughout the Ordinance will be updated accordingly.

Chapter 3. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

The foregoing ORDINANCE No. 2022-030, adopted on September 27, 2022 was offered by Councilmember Willis who moved its approval. The motion was seconded by Councilmember Rowell, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	<u> X </u>	<u> </u>
Carmalitha Gumbs	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> X </u>	<u> </u>
Helen Zenobia Willis	<u> X </u>	<u> </u>
Jaceey Sebastian	<u> X </u>	<u> </u>
Corey Reeves, Mayor Pro Tem	<u> X </u>	<u> </u>
Natasha Williams	<u> X </u>	<u> </u>
Vacant	<u> </u>	<u> </u>

First Read: August 23, 2022
Second Read: September 27, 2022

THIS ORDINANCE adopted this 27th day of September 2022.

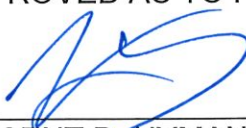
CITY OF SOUTH FULTON, GEORGIA

khalid kamau, MAYOR

ATTEST:

COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

 9/29/22

VINCENT D. HYMAN, CITY ATTORNEY

JOB DESCRIPTION

The CoSF Communications Director will oversee communications involving the city including the development and implementation of a communications strategy.

Collaborates with the city manager to develop the city's mission statement.

Oversees city communications and branding in various online and print platforms such as LinkedIn, Twitter, Facebook, and industry magazines.

Oversees the development and maintenance of the city website including methods to deliver message, ease of navigation, and clarity of information; ensures that all content is current and relevant.

Provides consistent and timely information to employees through various communications programs. Manage the development, distribution, and maintenance of all print and electronic collateral including, but not limited to, newsletters, and brochures.

Develop branding initiatives.

Create rich and creative content that is optimized for search engines.

Monitor effective benchmarks for measuring the impact of all communication platforms and report on results and their contribution to the overall CoSF marketing/communications efforts.

EDUCATION/EXPERIENCE REQUIREMENTS

B.A. degree in Marketing or Communications

Five or more years in communications, corporate marketing, public relations or creative agency Experience

Significant experience in brand development and customer marketing

Experience with corporate branding approaches and strategies

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:05 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Regulating Temporary Employees

DATE: October 25, 2022

SUBJECT: 5:05 p.m. Council Consideration of Override of the Mayor's Veto of Ordinance
Regulating Temporary Employees

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor VETO 10.7.2022 (O2022-033)	Cover Memo	10/21/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.

The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.

An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

Date of Adoption: 9/27/2022 **Item Number:** ORD2022-033

Subject: AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 6, MUNICIPAL EMPLOYEES, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GA TO ADD SECTION 1-6011 TEMPORARY EMPLOYMENT SERVICES AND FOR OTHER LAWFUL PURPOSES. – Motion by Williams/Reeves -Approved 5-1

Reason for Veto:

Date to Mayor: 9/30/2022 **Date of Veto:** 10/7/2022

Mayor's Signature: [Signature] **Reason:** Fiscally imprudent

Date Received by City Clerk: 10/7/2022

Date to Councilmembers: 10/7/2022

Date of next Regular Meeting of City Council: October 25, 2022

Action Taken at _____ **City Council Meeting:** _____



MAYOR'S SIGNATURE PAGE

Per the City Charter, "Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section. The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt."

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: September 27, 2022 Item Number: ORD2022-033

Subject: AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 6, MUNICIPAL EMPLOYEES, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GA TO ADD SECTION 1-6011 TEMPORARY EMPLOYMENT SERVICES AND FOR OTHER LAWFUL PURPOSES.

Date Received by Mayor: September 29, 2022

☐

APPROVED

☐

DISAPPROVED

Mayor's Signature: _____

Date to City Clerk: _____

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF SOUTH FULTON

ORD2022-033

AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 6, MUNICIPAL EMPLOYEES, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GA TO ADD SECTION 1-6011 TEMPORARY EMPLOYMENT SERVICES AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmembers Williams, Willis, Sebastian, Reeves)

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City Council acknowledges that a portion of its staffing requirements that is critical may be met through the use of agency temporary workers and contractors; and

WHEREAS, the City desires to amend its code of ordinances through this Ordinance to provide guidelines and regulations for the use of temporary employment services.

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

Section 1. The Code of Ordinances, City of South Fulton, Georgia, Title 1, Administration, Chapter 6, Municipal Employees, is hereby amended to add the following:

TITLE 1 – ADMINISTRATION

Chapter 6 – Municipal Employees

1-6011. TEMPORARY EMPLOYMENT SERVICES.

1-6011.1 Purpose; applicability

The purpose of this section is to ensure that uniformed guidelines are followed in the hiring of temporary employees and contractors. This section is applicable to temporary staff and contractors to fill vacant non-elective staff positions.

1-6011.2 Definitions

“Temporary Staff” is an individual who provides a service to the City through a staffing firm that administers the individual’s pay, benefits, employment taxes, and IRS reporting.

“Independent Contractor” is an individual who meets the United States Department of Labor and Internal Revenue Service (IRS) Independent Contractor Tests.

“Critical hire” shall be considered a position that the city must fill in order to maintain citizen/life safety, and to successfully meet required financial and/or operational compliance standards that puts the city’s financial standing and credit rating at risk. A critical hire is not the same as an important hire. The city has many positions that are important to operational success but would not be considered critical. Important positions shall not be approved for critical hire.

1-6011.3 Use of temporary staff

The use of temporary agencies and contract employees to fill vacant non-elective staff positions shall be limited to only those positions that have been identified as being a critical hire by a resolution of the city council. Temporary and/or contract employees hired through the critical hire process shall be term limited to a maximum of 120 days.

1-6011.4 Procedures for hiring

All critical hires must be procured through a contract resulting from a formal procurement. The human resource (HR) department is responsible for identifying and reviewing staffing vendor relationship by utilizing the city’s procurement process. All contractual agreements must be procured and negotiated in advance of placement of temporary staff or contractors. Payment of services rendered by temporary and contract staff may only be paid directly to a third-party agency whose primary purpose is to provide temporary and contract workers.

The HR department is responsible for the overall management of the selection and hiring processes related to critical hires including, but not limited to, ensuring that the appropriate pre-employment screenings are conducted by the staffing firm in accordance with city employment practices.

Departments requesting to fill non-elective staff positions through the critical hire process shall complete a critical hire request form providing a compelling case for the critical nature of the position, along with the appropriate supporting documentation and data regarding the risk to citizen/life safety and/or the city’s ability to meet compliance standards in order to protect its financial standing and/or credit rating.

Departments shall submit to the city manager for approval all requests to complete a critical hire for non-elective staff positions that meet the critical hire criteria for approval. Upon approval by the city manager, s/he shall subsequently submit to the city council for city council approval the need for a critical hire.

1-6011.5 Approval of critical hires by City Council

The city council shall review the documentation submitted by the city manager, and upon determination of need, the city council shall by majority vote approve a resolution authorizing the use of a temporary agency and/or contract to fill the critical hire vacancy. In the event that the city council determines that the need for a critical hire does not exist, and that the position can be filled using the regular employee recruitment process, the position shall remain unfilled until such time as a suitable candidate is identified and hired through the regular City employee recruitment process.

1-6011.6 Discipline and Termination of critical hires

Disciplinary actions will be handled by the HR department and the temporary agency representative. The release of all critical hires must be coordinated through the HR department directly with the agency.

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

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

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

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

The foregoing ORDINANCE No. 2022-033, adopted on September 27, 2022 was offered by Councilmember Williams, who moved its approval. The motion was seconded by Councilmember Reeves, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	<u> </u>	<u> </u>
Carmalitha Gumbs	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> </u>	<u> X </u>
Helen Zenobia Willis	<u> X </u>	<u> </u>
Jaceey Sebastian	<u> X </u>	<u> </u>
Corey Reeves, Mayor Pro Tem	<u> X </u>	<u> </u>
Natasha Williams	<u> X </u>	<u> </u>
Vacant	<u> </u>	<u> </u>

First Read: August 23, 2022
Second Read: September 27, 2022

THIS ORDINANCE adopted this 27th day of September 2022.

CITY OF SOUTH FULTON, GEORGIA

khalid kamau, MAYOR

ATTEST:

COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

 9/29/22

VINCENT D. HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:15 p.m. Council Consideration of Override of the Mayor's Veto of A Lease Agreement with 100 Hartsfield Center

DATE: October 25, 2022

SUBJECT: 5:15 p.m. Council Consideration of Override of the Mayor's Veto of A Lease Agreement with 100 Hartsfield Center

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Police Relocation Veto (14Oct2022)	Cover Memo	10/21/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within two business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.

The mayor, within five business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within five business days of receipt, it shall become law at 12:00 Midnight on the fifth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.

An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall only occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

Date of Adoption: 10/11/2022 **Item Number:** N/A

Subject: Council approval of a Sublease for Property located 100 Hartsfield Centre Parkway, Atlanta, GA 30354 (Police)– Motion by Sebastian/Reeves-Approved 5-0

Reason for Veto: SEE THE ATTACHED DOCUMENT

Date to Mayor: 10/12/2022 **Date of Veto:** 10/14/2022

Mayor's Signature: _____

Date Received by City Clerk: _____

Date to Councilmembers: _____

Date of next Regular Meeting of City Council: October 25, 2022

Action Taken at _____ **City Council Meeting:** _____

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:25 p.m. Council Discussion on P-Card Investigations, Forensic Audit and Internal Auditors

DATE: October 25, 2022

SUBJECT: 5:25 p.m. Council Discussion on P-Card Investigations, Forensic Audit and Internal Auditors

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:35 p.m. Request Council Approval to Award an ITB #22-100 White Mill Road Full Depth Reclamation and execution of contract including a request to add a 10% contingency with total amount not to exceed \$1,631,556. The Recommendation is for award to the lowest, responsive and responsible Bidder to Atlanta Paving and Concrete Construction, Inc., located in Atlanta, Georgia. The low bid was \$1,483,233.50, and to add a 10% contingency for unforeseen items that may arise during construction bringing the full amount of the approval requested to \$ 1,631,556 to be funded from LMIG Grant funding.

DATE: October 25, 2022

SUBJECT: 5:35 p.m. Request Council Approval to Award an ITB #22-100 White Mill Road Full Depth Reclamation and execution of contract including a request to add a 10% contingency with total amount not to exceed \$1,631,556. The Recommendation is for award to the lowest, responsive and responsible Bidder to Atlanta Paving and Concrete Construction, Inc., located in Atlanta, Georgia. The low bid was \$1,483,233.50, and to add a 10% contingency for unforeseen items that may arise during construction bringing the full amount of the approval requested to \$ 1,631,556 to be funded from LMIG Grant funding.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
City of South Fulton Agenda Item LMIG 2022	Cover Memo	10/21/2022
White Mill Rd Agenda Summary Item	Cover Memo	10/21/2022

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager



REVIEW AND APPROVAL ROUTING SHEET

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

Parties Consulted:

Initials

Date

☐ **City Attorney/General Counsel**

Legal issues have been addressed

☐ **Assistant City Manager**

Complies with operational processes and guidelines.

☐ **Finance Director**

Funds are available and complies with fiscal guidelines.

☐ **Information Technology Director**

When Information Technology issues are involved

☐ **Program & Performance Manager**

Complies with Division/programmatic processes

☐ **Communications Director**

Complies with Division/programmatic processes

☐ **Parks & Recreation Director**

Complies with Division/programmatic processes

☐ **Destination South Fulton Director**

Complies with Division/programmatic processes

☐ **DCDRA Director**

Complies with Division/programmatic processes

☐ **Human Resources Director**

Complies with HR policies and procedures; positions are budgeted

☐ **Public Safety**

Complies with Division/programmatic processes. Specify Fire or Police

☐ **Public Works Director**

Complies with Division/programmatic processes

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

Complies with Division/programmatic processes. Specify Area

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

Complies with Division/programmatic processes. Specify Area

City Manager's Decision:

Approved ☐

Disapproved ☐

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

City Manager's Comments:

City Manager's Signature

Date

City of South Fulton Agenda Item Summary



City Council Meeting Date		Requesting Department		Council District(s) Affected	
Requested Action					
Requirements for Council Action (City specific Council policy, statute or code requirement)					
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details)					
Funding Source (if applicable)					
Financial Impact (if applicable)					
Financial Impact Statement Received Yes ☐ No ☐ Legislative Process Complete Yes ☐ No ☐					
Department Director Approval 				Finance Director Approval 	
Assistant City Manager Approval 	City Attorney Approval 		City Manager Approval 		



RECEIVED

6-29-2021



Russell R. McMurry, P.E.,
Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

June 23, 2021

Bill Edwards, Mayor
City of South Fulton
5440 Fulton Industrial Blvd
Atlanta, Georgia 30336

RE: **Fiscal Year 2022 Local Maintenance & Improvement Grant (LMIG) Program**

Dear Mayor Edwards:

We are pleased to announce that the Department will begin accepting applications for the Fiscal Year 2022 LMIG Program in July 2021. Grants will be processed electronically through our **GRANTS (LMIG) Application System**. To begin your FY 2022 LMIG Application, please visit the Department's website at www.dot.ga.gov/PS/Local/LMIG. This site provides a link to the LMIG Application, the LMIG Application Tutorial (Manual), and to the General Guidelines and Rules and other pertinent reports. The project list will be entered directly into the LMIG Application System. Please contact your District State Aid Coordinator, **Chartrae Kent**, at **770-216-3867** for assistance with the online application process.

For an application to be processed, the following requirements must be met:

- A local government must be in Department of Audits and Accounts (DOAA) and Department of Community Affairs (DCA) audit compliance.
- A signed cover letter must be attached and include a completion status of the last three fiscal years' LMIG Grants.
- A signature page must include both the local government seal and the notary seal. The application website provides a blank signature page for you to download, complete and upload as an attachment.
- A local government must provide their District State Aid Coordinator with a Statement of Financial Expenditures form and invoices for Fiscal Year 2019 projects and all other prior years unless previously approved to combine funding for Fiscal Years 2019, 2020, and 2021. The forms can be attached in the LMIG Application System if they have not already been provided to your District State Aid Coordinator.

All electronic LMIG applications must be received no later than February 1, 2022. Failure to submit applications by the deadline might result in a forfeiture of funds.

Your formula amount for the Fiscal Year 2022 Program is **\$1,163,120.52** and your local match is **30%**. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d).

If you have any questions regarding the LMIG Program, please contact the Local Grants Office in Atlanta at (404) 347-0240. Thank you for your attention and cooperation in this matter.

Sincerely,

Russell R. McMurry, P.E.
Commissioner

cc: Mr. Paul Denard, P.E.; Mr. Robert Brown; Ms. Dana Lemon; Hon. Marie Metze; Hon. Roger Bruce; Hon. Debra Bazemore; Hon. Derrick Jackson; Hon. Mandisha Thomas; Hon. Donzella James; Hon. Horacena Tate; Hon. Sonya Halpern; Chartrae Kent

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE &
IMPROVEMENT GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2022**
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, Khalid Kamau (Name), the Mayor, (Title), on behalf of City of South Fulton (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

Signature)

(Print)

(Date)

SEAL:

1209926
E-Verify Number

Sworn to and subscribed before me,

This ___ day of _____, 2022

In the presence of:

NOTARY PUBLIC

My Commission Expires:

Exhibit A:

GDOT Project Report LMIG 2022

Road Name	Beginning	Ending	Length (m)	Description	Project Costs	Project let Date
White Mill Rd	Rivertown Rd	SR 92	2.01	Resurfacing	\$1,161,660	March 2022
Milam Road	City of Fairburn	Fayette County line	.45	Resurfacing	\$385,303	March 2022

Signature (Finance Director): _____ Signature (City Manager): _____

E-Mail: _____ E-Mail: _____

FY _____

LOCAL MAINTENANCE & IMPROVEMENT GRANT Program (LMIG)

STATEMENT OF FINAL PROJECT EXPENDITURES

DATE: _____

COUNTY: _____

CITY: _____

PI#: _____

Submitted By: _____

LMIG EXPENDITURES: \$ _____

*10% or 30% MATCH: \$ _____

TOTAL LOCAL GOVERNMENT EXPENDITURES: \$ _____

TOTAL PROJECT EXPENDITURES: \$ _____

By signature below, I hereby certify that the above expenditures are for the work completed on the attached final Project List for the FY _____ LMIG Program.

Authorized Local Government Official: _____

For GDOT use only

Record Audit Performed: Yes No (Circle One)

Field Inspection Completion Date: _____

APPROVED: _____ Date: _____
(DISTRICT ENGINEER)

**Note: Required local match will be based on (10% or 30%) of the LMIG Allocation.*

FY 2019

LOCAL MAINTENANCE & IMPROVEMENT GRANT Program (LMIG)

STATEMENT OF FINAL PROJECT EXPENDITURES

DATE: 11/6/2020

COUNTY: Fulton

CITY: South Fulton

PI#: _____

Submitted By: Antonio Valenzuela

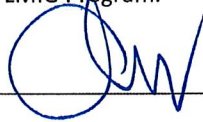
LMIG EXPENDITURES: \$ 1,027,771.30

*10% or 30% MATCH: \$ 308,331.39

TOTAL LOCAL GOVERNMENT EXPENDITURES: \$ 564,677.37

TOTAL PROJECT EXPENDITURES: \$ 1,900,780.06

By signature below, I hereby certify that the above expenditures are for the work completed on the attached final Project List for the FY 2019 LMIG Program.

Authorized Local Government Official:  _____

For GDOT use only

Record Audit Performed: Yes No (Circle One)

Field Inspection Completion Date: _____

APPROVED: _____ Date: _____
(DISTRICT ENGINEER)

**Note: Required local match will be based on (10% or 30%) of the LMIG Allocation.*



APPLICATION & CERTIFICATE FOR PAYMENT

LMIG

CONTRACT INVOICE-CONSTRUCTION

<u>Vendor Invoice Date:</u>	<u>Vendor Invoice No.</u>	<u>CoSF Invoice</u> <u>Date:</u>	<u>LMIG Invoice</u> <u>No.</u>
12/17/20	32570-Final	1/08/21	4

Vendor Name: CW Matthews
Address: Drawer 970
City, State Zip Code: Marietta, GA 30061
Contact: Sam Mann, Project Manager

Project Name: 2019 LMIG
Purchase Order No: PO#: 20-01504
Fund Line: 335-4100-54-1400
Vendor Code: CWMATT005
Project: Pavement Marking
To:

City Of South Fulton
5440 Fulton Industrial Blvd
Atlanta, GA 30336
Attn:

Original Contract Amount	\$1,828,811.88
Change Orders:	
Additions: Source: 335-4100-54-1400	\$71,968.18
Deductions	\$0.00
Total Authorized Amount	\$1,900,780.06
Total Amount Completed To Date	\$1,900,780.07
Retainage: 10%	\$0.00
Total Earned Less Retainage	\$1,900,780.07
Less Amounts Previously Paid	\$1,711,068.06
Amount Certified For Payment	\$189,712.01
Balance to Finish	\$0.00

<i>Roussan Francois</i>	1/8/2021	<i>Antonio Valenzuela</i>	1/8/21
Program Manager- Roussan Francois		Director- Antonio Valenzuela	Date
Project Manager		Financial Services	Date



APPLICATION & CERTIFICATE FOR PAYMENT

LMIG + TSPLOST

CONTRACT INVOICE-CONSTRUCTION

Vendor Invoice Date:	Vendor Invoice No.	CoSF Invoice Date:	TSPLOST Invoice
11/09/2020	32570-06 Revised	11/09/20	No. 6

Vendor Name: CW Matthews
Address: Drawer 970
City, State Zip Code: Marietta, GA 30061
Contact: Sam Mann, Project Manager

Project Name: 2019 TSPLOST
Purchase Order No.: PO#: 20-01515
Fund Line: 335-4100-54-1400
Vendor Code: CWMATT005

To: City Of South Fulton
5440 Fulton Industrial Blvd
Atlanta, GA 30336
Attn:

Original Contract Amount \$7,947,594.63

Breakdowns:

LMIG

TSPLOST



\$1,828,811.88

\$6,118,782.75

Total Authorized Amount

\$392,113.25

Total Amount Completed To Date

\$7,842,265.00

LMIG	TSPLOST	INVOICES/AMOUNT
	\$947,230.39	1 \$947,230.39
\$1,358,796.64	\$880,286.85	2 \$2,239,083.49
\$426,219.13	\$347,220.28	3 \$773,439.41
	\$1,058,812.68	4 \$1,058,812.68
	\$1,360,044.44	5 \$1,472,148.73
\$3,660.00	\$1,347,890.30	6 \$1,351,550.30

Retainage:

\$392,113.25

LMIG	TSPLOST	INVOICES/AMOUNT
\$135,879.66	\$94,723.04	1 \$230,602.70
\$42,621.91	\$88,028.69	2 \$130,650.60
\$11,210.43	\$34,722.03	3 \$45,932.46
	\$105,881.27	4 \$105,881.27
	\$136,004.44	5 \$136,004.44
	-\$256,958.22	6 -\$256,958.22

Total Earned Less Retainage

\$7,450,151.75

Less Amounts Previously Paid

\$5,729,538.91

Amount Certified For Payment

\$189,712.01	\$202,401.24
--------------	--------------

\$392,113.25

Balance to Finish

\$0.00

Roussan Francois

11/9/2020

Antonio Valenzuela

1/8/21

Program Manager- Roussan Francois

Director- Antonio Valenzuela

Date

Project Manager

Financial Services

Date

FY 2018

LOCAL MAINTENANCE & IMPROVEMENT GRANT Program (LMIG)

STATEMENT OF FINAL PROJECT EXPENDITURES

DATE: 10/18/2018

COUNTY: Fulton County

CITY: N/A

LMIG EXPENDITURES: \$ 1,156,780.59

*10% or 30% MATCH: \$ 347,034.18

TOTAL LOCAL GOVERNMENT EXPENDITURES: \$ 1,156,780.59

TOTAL PROJECT EXPENDITURES: \$ 6,771,269.19

By signature below, I hereby certify that the above expenditures are for the work completed on the attached final Project List for the FY 2018 LMIG Program.

Deputy Director, Transportation  _____

Construction Field Audit Performed: Yes No (Circle One)

APPROVED: _____
(DISTRICT ENGINEER)

**Note: Required local match will be based on (10% or 30%) of the FY 2018 LMIG Allocation.*

Department of Public Works
141 Pryor Street SW
Suite 6001
Atlanta, GA 30303
Phone: (404) 612-7400
Fax: (404) 893-6876



David Clark
Director

October 25, 2018

Brooker Lewis
District State Aid Coordinator
Georgia Department of Transportation
5025 New Peachtree Road, NE
Chamblee, GA 30341

RE: Local Maintenance Improvement Grant (LMIG) 2017-2018 Project Status

Mr. Lewis,

Fulton County completed all resurfacing activities for the 2017-2018 LMIG projects. Listed below is an expenditure summary for your records.

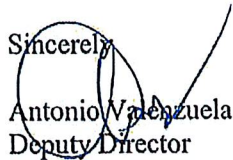
FY 2017 LMIG: Resurfacing Percent Completed: 100%
LMIG Expenditures: \$1,060,818.16
*10% or 30% Match: \$ 318,245.45
Total Local Government Expenditures: \$1,060,818.16
Total Project Expenditures: \$1,511,864.36

FY 2018 LMIG: Resurfacing Percent Completed: 100%
LMIG Expenditures: \$1,156,780.59
*10% or 30% Match: \$ 347,034.18
Total Local Government Expenditures: \$1,156,780.59
Total Project Expenditures: \$6,771,269.19

The County submitted all required documents related to the referenced projects. Also, the application for Fiscal year 2019 LMIG projects on behalf of the City of South Fulton.

Please feel contact me at Antonio.Valenzuela@fultoncountyga.gov or by phone (404) 612-0520, should you have any comments or need additional information.

Sincerely,


Antonio Valenzuela
Deputy Director

Attachments: 2017- 2018 LMIG Statement of Final Project Expenditures

City of South Fulton Agenda Item Summary



City Council Meeting Date		Council District(s) Affected
Requesting Department		
Requested Action		
Requirements for Council Action (City specific Council policy, statute or code requirement)		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details)		
Funding Source (if applicable)		
Financial Impact (if applicable)		
Financial Impact Statement Received Yes ☐ No ☐ Legislative Process Complete Yes ☐ No ☐		
Department Director Approval 		Finance Director Approval
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 5:45 p.m. Z2206: The applicant, City of South Fulton, is requesting a rezoning from A (Medium Density Apartments) Zoning District to R3 (Single Family Dwelling) Zoning District on 23.44+ /acres of land. The subject property is located along Cascade Road, generally bounded by Cascade Rd. to the north, New Hope Rd. to the east, New Britan Dr. to the south, and Trammell Crow Park to the west.

DATE: October 25, 2022

SUBJECT: 5:45 p.m. Z2206: The applicant, City of South Fulton, is requesting a rezoning from A (Medium Density Apartments) Zoning District to R3 (Single Family Dwelling) Zoning District on 23.44+ /acres of land. The subject property is located along Cascade Road, generally bounded by Cascade Rd. to the north, New Hope Rd. to the east, New Britan Dr. to the south, and Trammell Crow Park to the west.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Z22-006 0 Cascade Rd. City Initiated (1)	Cover Memo	10/21/2022

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER

DEREK HULL
COMMUNITY DEVELOPMENT & REGULATORY AFFAIRS
DIRECTOR



MEMORANDUM

TO: Mayor and City Council

FROM: Planning Division

SUBJECT: Z22-006: Cascade Rd.

MEETING DATE: October 11, 2022

The applicant, City of South Fulton, is requesting a rezoning from A (A Medium Density Apartments) Zoning District to R-3 (Single-Family Dwelling) Zoning District on 23.44 +/- acres of land.

STAFF RECOMMENDATION: Approval

cc: Corey Adams, City Clerk

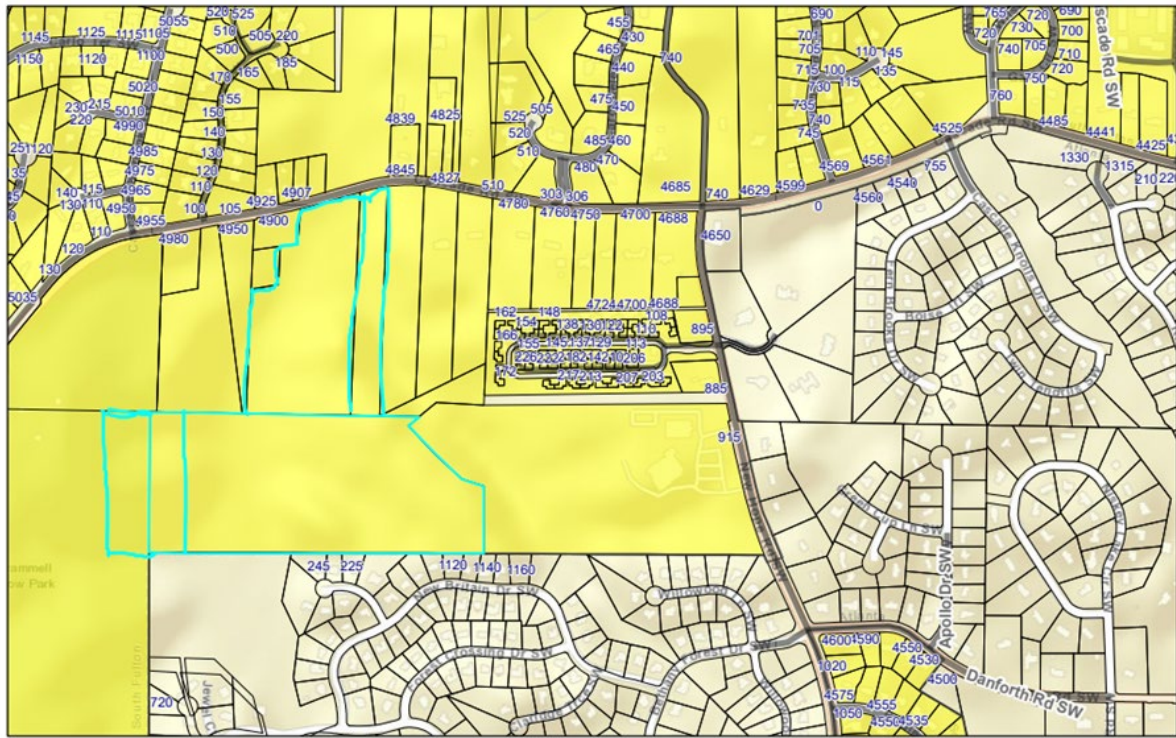
APPLICATION INFORMATION

Applicant Information:	City of South Fulton 5440 Fulton Industrial Blvd. South Fulton GA 30336
City Council District:	1
Parcel Numbers:	14F0080 LLO025, 14F0081 LLO404, 14F0081 LLO321, 14F0080 LLO017, 14F0081 LLO156
Land Use Request:	Rezone from A to R-3
Area of Property:	23.44 Acres
Comprehensive Plan Land Use Designation:	Suburban Neighborhood
Compatibility with Comprehensive Plan:	Yes, the Suburban Neighborhood character area does support the R-3 zoning district.
Zoning:	A
Surrounding Zoning:	North: R-3 (Single Family Residential) South: City of Atlanta East: R-3 (Single Family Residential) West: R-3 (Single Family Residential)
Prior Zoning Case History:	Z1972-0061 Rezoning to A (Medium Density Apartments)
Current/Past Uses:	Undeveloped
Overlay District:	None
Public Utilities:	Sewer service is provided by Fulton County. Water Service is provided by the City of Atlanta
Public Service:	Police and Fire Services are provided by the City of South Fulton
Infrastructure:	Cascade Road
Public Transit Availability:	The site is served by MARTA bus service
Multi-modal Access:	The bike lanes and sidewalks are not yet present
Parking Spaces Required (Retail):	N/A

City of South Fulton Future Land Use Map:

Suburban Neighborhood

COSF ArcGIS Web Map



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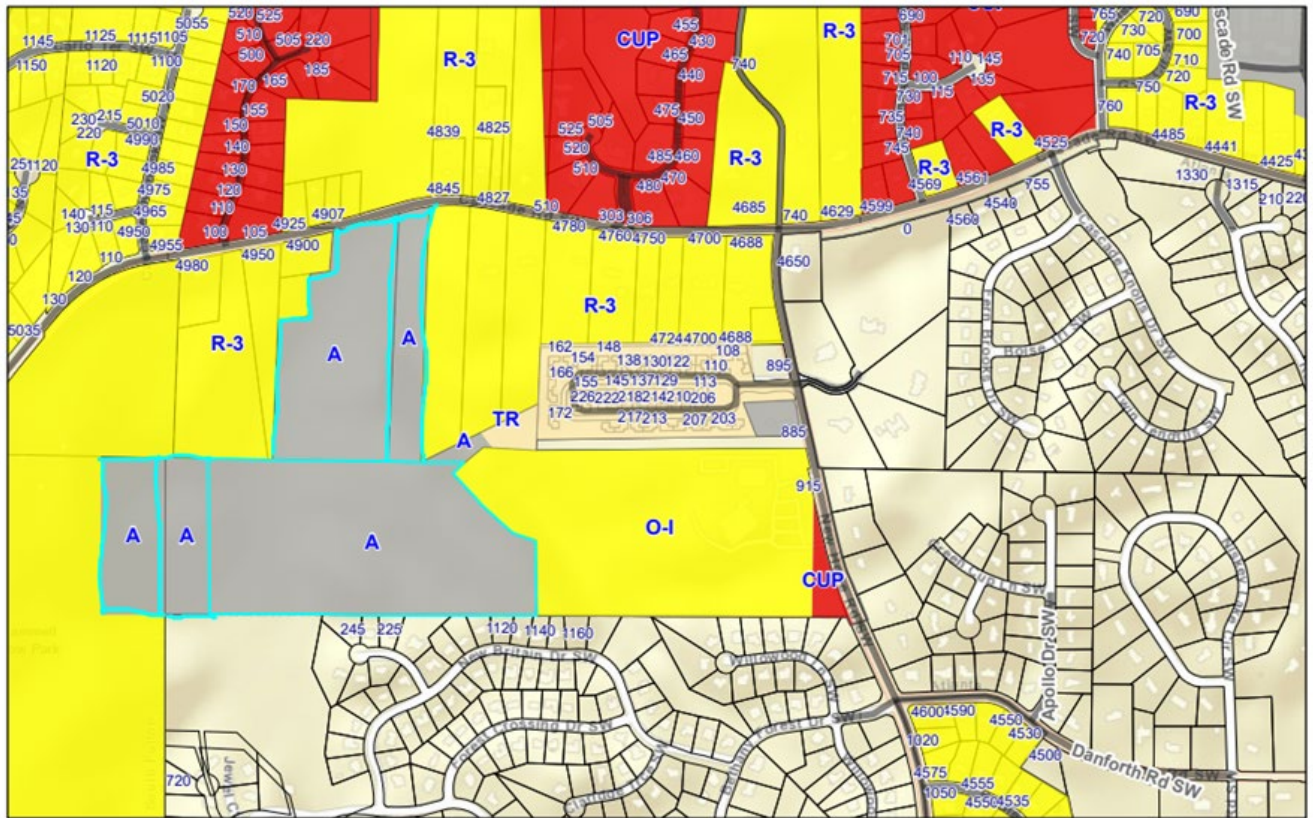
- Address Points
- Street Centerlines
- City Limits
- Tax Parcels from County
- 2021 South Fulton Future Development
- Suburban Neighborhood

1:9,028
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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),
Web AppBuilder for ArcGIS
City of South Fulton, GA

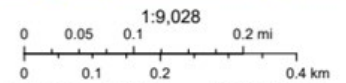
City of South Fulton Zoning Map

A (Medium Density Apartment)

COSF ArcGIS Web Map



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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

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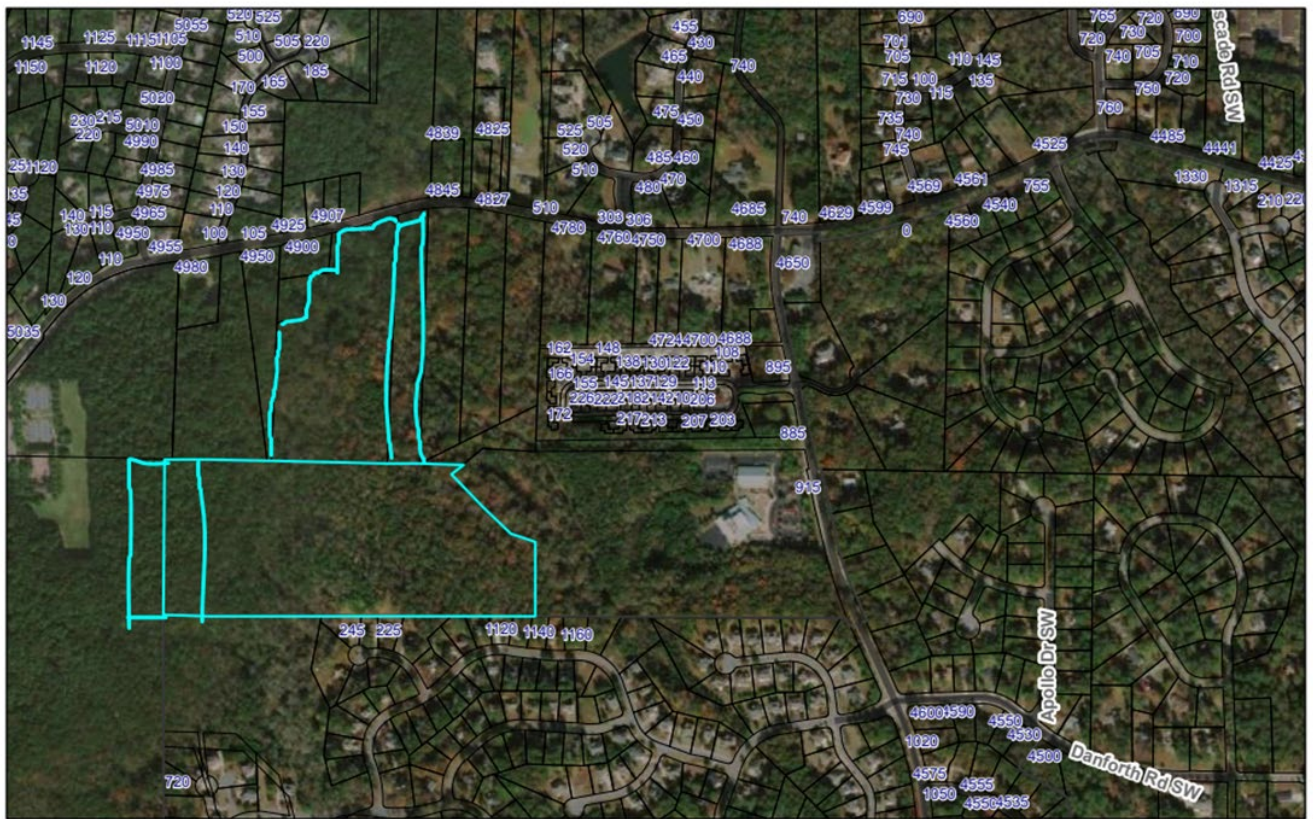
Z22-006: o Cascade Rd.

October 11, 2022

Page 4 of 9

Aerial Map

COSF ArcGIS Web Map



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Address Points City Limits
Street Centerlines Tax Parcels from County

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0 0.05 0.1 0.2 mi
0 0.1 0.2 0.4 km
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Web AppBuilder for ArcGIS
City of South Fulton, GA

PUBLIC PARTICIPATION: Staff held a public meeting on September 19, 2022, at 6:00 p.m. The meeting was in-person at City Hall. There were no attendees.

BACKGROUND: The City started preparing the rezoning application in April 2022. The Community Development and Regulatory Affairs Department received a request from the Councilmember in District 1, to pursue a city-initiated rezoning effort to make the subject parcels compatible with adjacent parcels to the north, east and west. These parcels have been zoning R-3 (Single-Family Dwelling).

The site is currently owned by Fulton County. Staff has reached out to Fulton County and the county is aware of the City's intention to rezone the subject parcels.

ANAYLSIS: The land use request, if approved, will reflect an assemblage of parcels that total approximately 23.44 acres. The request would change the zoning from A-Medium Density Apartments Zoning District to R-3 Single Family Residential Zoning District and with these changes, the parcels will be compatible with existing parcels to the north, east and west. The proposal for rezoning does not anticipate a particular development.

The Future Land Use for the site is Suburban Neighborhood, and the R-3 zoning designation is in compliance with the City's Future Land Use Plan.

ZONING IMPACT ANALYSIS

Standards for review for propose rezoning.

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

The proposed request would be considered ideal for residences at varying densities, places of worship, and civic services. The majority of adjacent parcels are undeveloped.

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

No, the zoning proposal will not adversely affect the nearby properties.

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

As currently zoned, the site has a reasonable economic use. If approved, the proposed rezoning would result in a less intensive use however, a use that still has a reasonable economic value.

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

No, the proposed use is not of high intensity and is not expected to cause a burden on any public facilities or resources.

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

If approved, the proposed rezoning would be in compliance with the Future Land Use Plan.

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

No, there aren't any other pertinent conditions or concerns with this site.

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

No, the site is not proposing any development currently, only a rezoning. Any future development will have to include appropriate environmental analysis to ensure natural resources are appropriately preserved.

STAFF COMMENTS

Engineering: No comment.

Fulton County Public Works (Sewer): No comment.

Infrastructure: No comment.

MARTA: No comment.

Fulton County Schools: No comment.

Fire: No comment.

PLANNING DIVISION RECOMMENDATION

Staff recommendations is **Approval** based on the findings of fact as illustrated in the impact analysis.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended **Approval** for zone change.

PREPARED BY: Marissa Jackson, Senior Planner**REVIEWED BY:** Tre'Jon Singletary, Planning and Zoning Administrator

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 6:00 p.m. Public Hearing for Road Reopening - Jacanar Lane

DATE: October 25, 2022

SUBJECT: 6:00 p.m. Public Hearing for Road Reopening - Jacanar Lane

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Jacanar Lane Details	Cover Memo	10/21/2022

OFFICE OF THE CITY ATTORNEY

khalid kamau
MAYOR



VINCENT D. HYMAN
CITY ATTORNEY

October 19, 2022

Patrise Perkins-Hooker, Esq.
Johnson and Freeman, LLC
Attorney for Plaintiff Concerned Citizens
of the Summit at Stonewall Tell
6323 Roosevelt Highway
Historic, Union City, Georgia 30291
pperkins-hooker@jflc.com

Sent via email and certified mail – return receipt requested

and

M. Boyd Jones, Esq.
Ryan T. Hickman, Esq.
Attorneys for Defendant Canaan Ridge at Wolf
Creek Homeowner 's Association, Inc.
Busch, Reed, Jones & Leeper, P.C.
639 Whitlock Avenue, SW
Marietta, Georgia 30064
bjones@buschreed.com
rhickman@buschreed.com

Sent via email certified mail – return receipt requested

Re: **Notice of Hearing for Road Reopening – Jacanar Lane**

Dear Honorable Attorneys Perkins-Hooker and Jones:

Pursuant to my August 24, 2022 letter, this matter is being requested to appear on the City Council's Regular October 25, 2022 Meeting Agenda. If Mayor and Council add this matter to the Agenda it will be held in person at Welcome All Park Multipurpose Facility, 4255 Will Lee Rd, South Fulton, Georgia 30349 on Tuesday, October 25, 2022 commencing on or after 4:00pm. A copy of the City's Resolution 2019-054 requesting that the Public Works Department develop guidelines and processes for road closures and privatization is attached hereto for your convenience. Once the Regular Council Meeting Agenda is confirmed the City Clerk will officially publish the Agenda at least 48 hours prior to the Public Hearing. Therefore, you should be able to go onto the City of South Fulton's Website by Friday, October 21, 2022 and obtain a copy of the Agenda, which should provide you with the estimated time that this matter will be reached by City Council. If you have trouble accessing the City's website or finding the

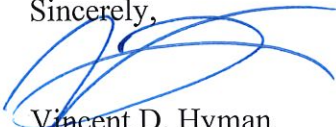
Agenda, please call at (470) 809-7711 or email the City Clerk at corey.adams@cityofsouthfultonga.gov as soon as possible in advance of the Public Hearing. Also, please email any documents in advance that you may desire to present at the hearing to the City Clerk at: corey.adams@cityofsouthfultonga.gov and copy the City Attorney Vincent D. Hyman at: vincent.hyman@cityofsouthfultonga.gov.

When this matter is sounded by the City Clerk at the Public Hearing, the Public Works Department will be allowed time to present evidence to the City Council in support of its August 5, 2022 written determination that the road should remain closed. Afterward, you and/or your legal representative will be allowed 10 minutes per side (i.e., in support of road remaining closed or opposition requesting the reopening of the road) to present evidence to the City Council. After hearing from all interested parties, the Mayor will close the Public Hearing and the City Council may have further questions and/or discussions; thereafter, City Council will render their decision by roll call vote.

As a result of the City Council's decision, if you believe that you are the aggrieved party, you may appeal the City Council's final decision to the Fulton County Superior Court by filing a petition for writ of certiorari as prescribed by the law governing certiorari appeals. Accordingly, any appeal must be filed within 30 days from the decision rendered by the City Council.

If anyone has any questions or concerns regarding this matter, please do not hesitate to contact me, via email at vincent.hyman@cityofsouthfultonga.gov

Sincerely,



Vincent D. Hyman
da/vdh

Encl.

xc: Tammi Saddler Jones, City Manager
Antonio M. Valenzuela, Public Works Director
Reginald McClendon, Assistant City Attorney

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

RES2019-054

4
5
6 A RESOLUTION OF THE CITY OF SOUTH FULTON, GEORGIA, ADDRESSING
7 ROAD CLOSURES AND PRIVATIZATION WITHIN THE CITY, ESTABLISHING A
8 ROAD CLOSURE POLICY AND FOR OTHER LAWFUL PURPOSES

9
10 (Sponsored by Councilperson Gumbs)

11
12 WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;

14
15 WHEREAS, the Mayor and Council ("City Council") is the duly elected governing
16 authority of the City;

17
18 WHEREAS, the metropolitan Atlanta area suffers from a sparse and poorly
19 interconnected transportation network;

20
21 WHEREAS, massive growth in the region over the last two decades has
22 continued to outpace road construction;

23
24 WHEREAS, an increasing number of neighborhoods have inquired about the
25 possibility of closing a roadway to through traffic;

26
27 WHEREAS, some neighborhoods have expressed a desire to take over the right-
28 of-way from the City, hence privatizing the road so they can install gates or other access
29 control devices;

30
31 WHEREAS, in response, Mayor and Council charged the Department of Public
32 Works with developing a uniform policy that would include guidelines and processes for
33 road closures and privatization; and

34
35 WHEREAS, this Resolution will benefit the health and general welfare of the City,
36 its citizens and general public.

37 THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY
38 RESOLVES as follows:

39
40 Section 1: NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby
41 adopts the "City of South Fulton Road Closure and Privatization Policy" attached hereto.

42

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

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

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

59 **Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby
60 expressly repealed.

61 **Section 4.** The effective date of this Resolution shall be the date of adoption unless
62 provided otherwise by the City Charter or state and/or federal law.

63
64 THIS RESOLUTION adopted this 12th day of November 2019.

65
66
67 CITY OF SOUTH FULTON, GEORGIA

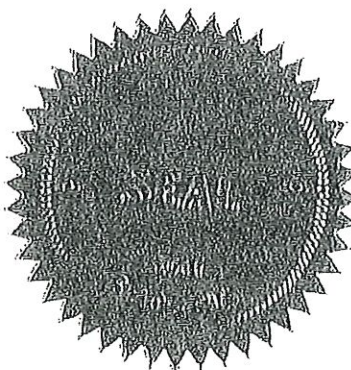
68
69 
70
71
72 WILLIAM "BILL" EDWARDS, MAYOR

73
74
75 ATTEST:

76
77 
78
79 S. DIANE WHITE, CITY CLERK

80
81 APPROVED AS TO FORM:

82
83 
84
85 EMILIA C. WALKER, CITY ATTORNEY
86



87 The foregoing RESOLUTION No. 2019-054, adopted on November 12, 2019 was
88 offered by Councilmember Gumbs, who moved its approval. The motion was
89 seconded by Councilmember Jackson, and being put to a vote, the result was as
90 follows:

	AYE	NAY
91		
92		
93		
94 William "Bill" Edwards, Mayor	<u> X </u>	<u> </u>
95 Mark Baker, Mayor Pro Tem	<u> X </u>	<u> </u>
96 Catherine Foster Rowell	<u> X </u>	<u> </u>
97 Carmalitha Lizandra Gumbs	<u> X </u>	<u> </u>
98 Helen Zenobia Willis	<u> X </u>	<u> </u>
99 Gertrude Naeema Gilyard	<u> X </u>	<u> </u>
100 Rosie Jackson	<u> X </u>	<u> </u>
101 khalid kamau	<u> X </u>	<u> </u>
102		
103		



City of South Fulton Road Closure & Privatization Policy

Adopted 11-12-2019

1.0 INTRODUCTION

An increasing number of neighborhoods have inquired about the possibility of closing a roadway to through traffic. Some neighborhoods have expressed a desire to take over the right-of-way from the City, hence privatizing the road so they can install gates or other access control devices. In response, Mayor and Council charged the Department of Public Works with developing a uniform policy that would include guidelines and processes for road closures and privatization.

The metropolitan Atlanta area suffers from a sparse and poorly interconnected transportation network. Massive growth in the region over the last two decades has continued to outpace road construction. Commuters on over-capacity collector streets divert along interconnecting local residential roads, adding significant volumes to neighborhood streets. In response, some residents have called for closures to through traffic. Such closures tend to force more traffic along already over-burdened corridors, along with limiting the routing options of the neighborhood residents themselves. Poorly chosen closures serve only to exacerbate an already significant problem.

Implementing a road closure or privatization requires a delicate balance between the desires of the neighborhood residents and the needs of the greater traveling public. Mayor and Council has repeatedly recognized the need for increased interconnectivity in the City transportation network. Proposed and/or approved planning documents, Comprehensive Transportation and land-use plans over the last decade have called for and mandated increased interconnectivity. This policy preserves the repeated desire for interconnectivity while responding to residents' concerns and giving them a voice.

Streets belong to the general as well as the local public; and if the control and general supervision of streets is conferred by the legislature upon the city, the city holds them in trust for the convenience and use of the public at large. It then becomes its duty to keep them in safe and suitable condition for the passage of persons and transportation of commodities. The basic principles of law regarding streets are pronounced in at least two cases, Jones, et al. v. City of Moultrie, et al., 196 Ga. 526 (1943); Accord: Soles v. City of Vidalia, 92 Ga. App. 839 (1955):

A highway is a public way open and free to anyone who has occasion to pass along it on foot or with any kind of vehicle. Id. The streets of a city belong to the public, and are primarily for the use of the public in the ordinary way Id. The primary object of streets is for public passage.

They should be kept open and unobstructed for that purpose...The streets of the city are peculiarly within the police control for the purpose of preserving and protecting their use by the public as thoroughfares. Id.

Road closures and privatization are intrinsically linked. Roads are maintained with public funding and located in City owned right-of-way. As such, the interest of the public good must be weighed when considering the dispensation of any roadway. Privatizing a road can cause problems with the loss of interconnectivity, increased emergency vehicle response times, and school bus routing. Road closures without privatization can also lead to issues of the public good. Some roadways, if closed to through traffic, would serve as little more than City maintained driveways. Conversely, the City should not accept the dedication of right-of-way that will cause an undue maintenance burden. For this reason, we have included in this policy definitive guidelines for City acceptance of dedicated roadways.

1.1 DEFINITIONS

For purposes of this policy, a road closure refers to a publicly owned and maintained roadway that has been partially or completely closed to through traffic. A road closure is typically implemented by the installation of a physical device or barrier designed to prevent vehicular traffic from passing. Closures typically include warning signage and pedestrian access through the barrier. They may include provisions for emergency vehicle access and a vehicular turn-around. The most commonly used type of permanent closure barrier is concrete, or metal bollards installed across a roadway with appropriate signage.

Privatization is the process of the City of South Fulton abandoning or selling the public right-of-way to a private entity if owned in fee. If owned by virtue of dedication, an entity must be established by the adjacent or abutting homeowners so that the privatization of the road will be implemented as set forth hereafter. After privatization, a road becomes a privately-owned thoroughfare which the City neither maintains nor accepts any liability. Any necessary routine or emergency maintenance, such as resurfacing, surface water management, or sinkhole repair, is the responsibility of the owner. The controlling entity may limit access to a private road as it sees fit, subject to City law and policy.

Right-of-way dedication is the opposite of privatization. It is the acceptance of a privately constructed or maintained roadway into the public right-of-way. It may be conveyed either in fee or by easement for road purposes. Once dedicated, the road and land in the dedicated right-of-way become public property to

the extent of the conveyance. The City will thereafter maintain the roadway, performing any improvements or modifications deemed necessary.

1.2 PURPOSE

The purpose of the Road Closure and Privatization Policy is to provide uniform guidelines for evaluation and implementation of citizen requests for road closures, privatizations, and right-of-way dedications. To this end, the City must balance the need of the greater public for increased interconnectivity and transportation alternatives with the safety and quality of life concerns of our residents. The policy outlines the procedures and engineering guidelines for implementing road closures and privatizations. Standardized designs for various closure devices will be developed under this policy to ensure uniformity and safety. Appeals to decisions made under this policy will be adjudicated by the Mayor and Council. Appeals shall be filed with the Director of Public Works and shall follow the processes outlined in this policy.

2.0 ROAD CLOSURE

Before any request for road closure will be considered, a traffic study must be undertaken by the Department of Public Works or a qualified consultant. The results of this study will be analyzed, and the Department of Public Works will make the appropriate recommendations. Staff of the Department of Public Works is available to make presentations and discuss their findings and recommendations with neighborhood associations and community groups. Recommendations are based on engineering and design standards publications such as the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Green Book), the Manual on Uniform Traffic Control Devices (MUTCD), the Transportation Research Board Highway Capacity Manual, and other design standards and regulations. See Section 2.3 for a chart detailing the steps of the implementation process.

2.1 IMPLEMENTATION CONSIDERATIONS

- I. The Department of Public Works will only support a road closure on paved local residential streets, located within the boundaries of the City of South Fulton. Local streets are those classified by the City as primarily used to directly access land parcels. Residential streets are those where the adjacent land use is deemed primarily residential in nature. Gravel roads will not be considered for publicly maintained road closure. Given the considerable annual maintenance cost of such roads, it would be inappropriate to spend public funds on a roadway that would not serve the public good.
- II. The Department of Public Works will only support a road closure if the road in question is part of a neighborhood that connects to at least three different collector roads. In the case of a neighborhood with the requisite multiple connections, Public Works staff will consider the closure of specific access points to redirect traffic flow through the neighborhood. Public Works will not support the closure of a single road that connects two collector roads. For purposes of this policy, a collector road is defined as any road that the Department of Public Works has given a functional classification of collector or higher.
- III. The traffic study must confirm that a traffic-related problem exists before the Department of Public Works will support any closure request:

- Traffic studies performed for evaluation of a requested road closure must include 24-hour vehicular volumes and speeds. If a study is being conducted by a qualified consultant, please contact the Department of Public Works Traffic Engineer for specific study criteria.
- If a significant speeding problem exists, the neighborhood will be referred to the City's Traffic Calming Program, and road closure will not be supported until after a traffic calming project is implemented and evaluated for effectiveness, as determined by the City of South Fulton Traffic Engineer. Traffic Calming is effective in reducing speeds and volumes on residential roadways and can address the immediate safety concerns caused by speeding traffic more effectively than a road closure.
- For excessive volume, a problem exists when collected vehicular volumes exceed four times the expected trip generation for the surrounding land uses, as calculated using the Trip Generation Handbook.
- For pedestrian and other safety related problems, confirmation will be made based on accident reports, inadequate roadway geometry (such as poor sight distance), and other safety parameters.
- The Department of Public Works Traffic Engineer may recommend support for a closure based on a combination of the factors listed above, and on accepted engineering practice.

IV. The City requires that there be unanimous support from the community for implementing road closures:

- For the implementation of a road closure, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood, as defined by City of South Fulton Traffic Engineer and along the affected roadway affirm their support for the closure. See Section 5.0
- If the required percentages cannot be obtained, the Department of Public Works Traffic Engineer may recommend the road closure based on traffic studies and accepted engineering practice.

V. All road closures must conform to any programmed transportation capital projects and any approved land use plans. Additionally, all closures must conform to any approved regional or state mobility plans. Approval by the Director of Public Works and the Director of Community Development and Regulatory Affairs (CDRA) are required to indicate conformity.

- VI. Public Works will consult with emergency service providers, Fulton County Board of Education, and the Postmaster before approval of any road closure, so that said services will be accommodated and not impaired to render their required performances.
- VII. Once all criteria have been met, the Department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Public Works will advertise any public hearing(s) through the use of on-site informational signage as well as by press release prior to the hearing(s). Following the public hearing, Mayor and Council will take action on the petition.
- VIII. The design of any construction or devices used to facility the road closure requires the approval of the Department of Public Works Traffic Engineer.
- IX. Once a road closure is implemented, the Department of Public Works reserves the right to move, modify or remove the closure for operational or safety reasons at any time:
- A neighborhood association may request the removal of a road closure in its community. A formal petition will be required showing that 100% of the property owners in the neighborhood and along the affected roadway affirm their support for the removal of the closure. As with installation, removal of traffic calming devices requires action by Mayor and Council. See Section 5.0
 - The City of South Fulton may deny a request to remove a road closure based on operational and safety reasons.

2.3 ROAD CLOSURE IMPLEMENTATION PROCESS



3.0 ROAD PRIVATIZATION

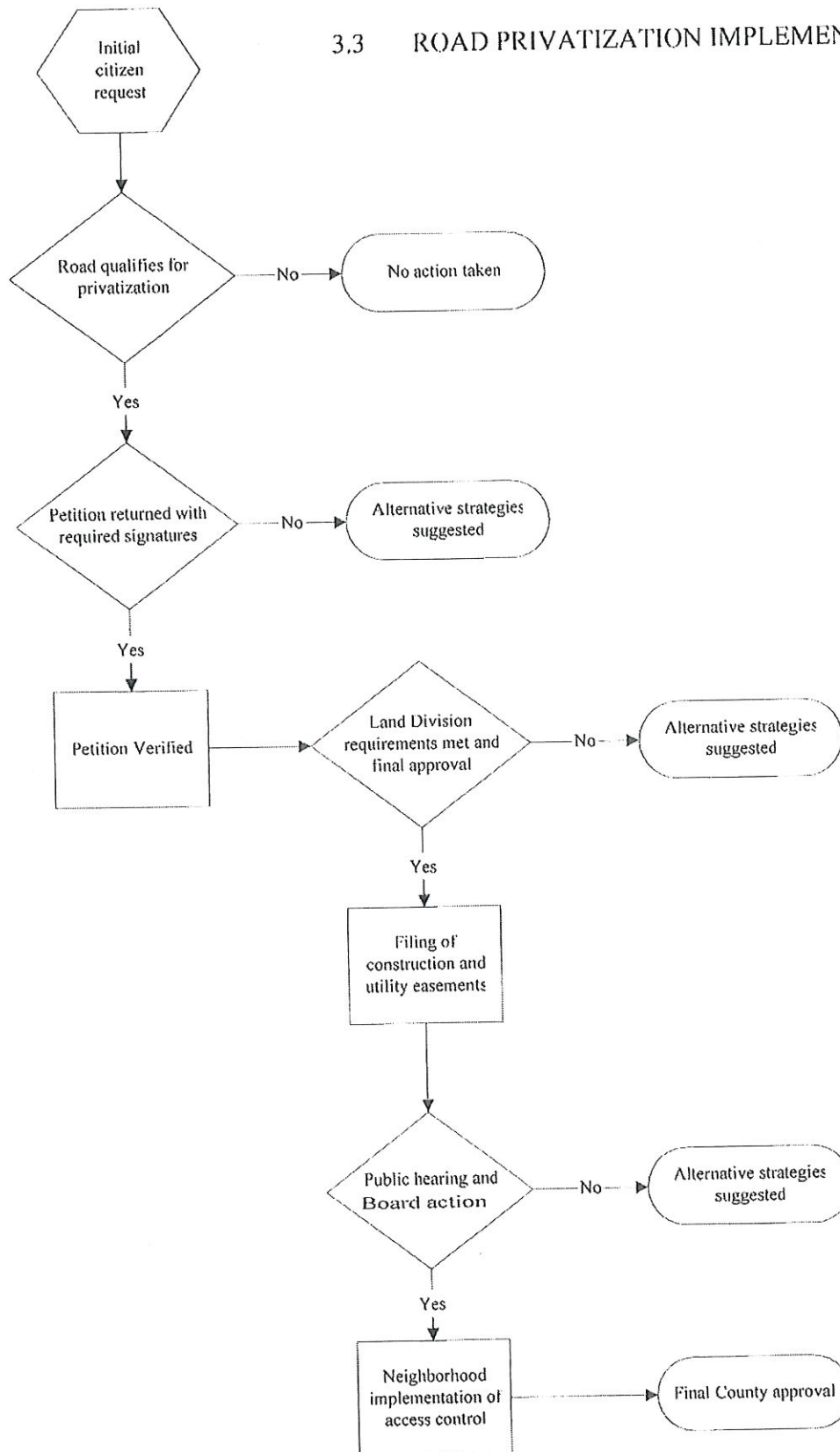
Privatizing a road means it will no longer be available for public use and access, ultimately lowering the overall interconnectivity of the City's transportation network. Not only is the immediate connection lost, but any future possibility of expansion or upgrade to the road, as part of a larger network, is lost. Additionally, if any such future expansion was mandated, the City would be required to repurchase the right-of-way it previously owned. As such, only road meeting specific criteria will be allowed to privatize. See Section 3.3 for a chart detailing the steps of the implementation process.

3.1 IMPLEMENTATION CONSIDERATIONS

- I. The Department of Public Works will only support privatization of local residential streets, located within its jurisdiction. Local streets are those classified by the City as primarily used to directly access land parcels. Residential streets are those where the adjacent land use is deemed primarily residential in nature.
- II. The Department of Public Works will only support privatization for a neighborhood or road that does not connect to two or more different collector roads. For purposes of this policy, a collector road is defined as any road that the Department of Public Works has given a functional classification of collector or higher.
- III. The City requires that there be unanimous support from the community for implementing a road privatization:
 - For the implementation of a privatization, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood, as defined by the City of South Fulton Traffic Engineer; and along the affected roadway(s) affirm their support for the privatization. See Section 5.0
- IV. All privatizations must conform to any programmed transportation capital projects and any approved land use plans. Additionally, all privatizations must conform to any approved regional or state mobility plans. Approval by the Director of Public Works and the Director of Community Development and Regulatory Affairs (CDRA) are required to indicate conformity.

-
- V. Public Works will consult with emergency service providers, Fulton County Board of Education, and the Postmaster before approval of privatization, and provisions made for their performances.
- VI. Residents with frontage along a road to be privatized may be required to purchase the right-of-way from the City. Any privatization of a public roadway must meet all requirements of the Land Division of the General Services Department. Approval by the Land Administrator is required for all privatizations.
- VII. The controlling entity for the privatized road will give the City permanent utility and construction easements for the entirety of the existing right-of-way at no cost as a condition of privatization.
- VIII. Once all criteria have been met, the Department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Public Works will advertise any public hearing(s) through the use of on-site informational signage as well as press releases prior to the hearing(s). Following the public hearing, Mayor and Council will take action on the petition.
- IX. Upon approval of a road privatization, the controlling entity will file a revised subdivision plat indicating the new dispensation of the property. Any expenses or fees incurred in the filing will be the sole responsibility of the controlling entity.
- X. Any access control, such as a gate, that the residents of the road wish to install must conform in design and construction to all relevant City standards, regulations, and processes. All access controls must conform to City standards as if the road or neighborhood was newly constructed. Recent privatization will not be accepted as a justification for any exemptions or variances to these standards.

3.3 ROAD PRIVATIZATION IMPLEMENTATION PROCESS



4.0 DEDICATION OF RIGHT-OF-WAY

The opposite of privatization, the dedication of right-of-way is the process by which a formerly private roadway is accepted as public right-of-way. Dedicated roadways can help the City to expand the existing roadway network and provide previously unusable connections. Unfortunately, dedication can also saddle the City with an undue maintenance burden caused by substandard construction. The City will only accept the burden of roadways that expand our transportation network and are built to acceptable standards. Said conveyance may be made either in fee or by easement.

4.1 IMPLEMENTATION CONSIDERATIONS

- I. The Department of Public Works will only support dedication of paved streets that connect two or more different collector roads. For purposes of this policy, a collector road is defined as any road that the Department of Public Works has given a functional classification of collector or higher.
- II. The City will not accept a portion of a neighborhood street for dedication. If a neighborhood is to dedicate its roadways, they must dedicate all existing roadways. If a single street is to dedicate right-of-way, the entire street must be dedicated.
- III. The City requires that there be unanimous support from the community for the dedication of right-of-way:
 - For the dedication of right-of-way, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood and along the affected roadway(s) affirm their support for the closure. See Section 5.0
- IV. Applicants for dedication must hire a qualified contractor to perform core samples at 100-foot intervals along the centerline of all effected roadways. The resulting analysis of the samples must be submitted to the Department of Public Works for review. Only roadways that can demonstrate an appropriate sectional construction will be accepted.
- V. Private roads typically have concrete aprons at their entrance to indicate their status as private. Any existing concrete apron must be removed and replaced with an appropriate asphalt section.

-
- VI. All driveway aprons along the streets to be dedicated must conform to City standards. Any asphalt driveway aprons must be replaced by an appropriate concrete apron.
- VII. A minimum of 10 feet of right-of-way from the back of curb must be dedicated to the City of South Fulton for all affected roadways. All utility boxes, hydrants, poles, or other utility-related structures must fall within the dedicated right-of-way. This may require more right-of-way than the minimum 10 feet. Additionally, no structures, or portions thereof, may be located in the newly dedicated right-of-way. Structures would include, but are not limited to, buildings, signs, or walls. Applicant must satisfy the City of South Fulton that good title is being conveyed.
- VIII. All signs located in the newly dedicated right-of-way must conform to City standards as set forth in the "Sign Installation in New Subdivision" policy.
- IX. If an irrigation system would be located in the newly dedicated right-of-way, the applicant must file for a utility permit to operate it within the right-of-way. The applicant must provide an inspection report regarding the condition of the irrigation system to the City as part to the utility permit process. The applicant must also perform any repairs to the roadway, shoulder, or drainage system caused by failures or breaks in an existing irrigation system. If the utility permit is approved, the applicant must file an indemnification agreement with the City regarding its operation. If the utility permit is denied, all portions of the irrigation system must be removed from the right-of-way before dedication will be accepted. This provision applies equally to irrigation systems owned by a single property owner along the affected roadway as it does to a communal operating entity, such as a homeowners' association, that would operate a neighborhood-wide irrigation system.
- X. All features of the roadway and right-of-way must conform to City standards. This includes, but is not limited to, curb, gutter, catch basins, and sidewalk. If there is not currently sidewalk along the affected streets, sidewalk must be constructed on both sides of the street. Inspections will include a drainage assessment and all deficiencies must be corrected prior to dedication.
- XI. All traffic calming devices in the affected roadway must conform to City standards. The City will not maintain existing traffic calming devices or textured pavement treatments. The neighborhood will be responsible for removing any existing traffic calming devices and pavement

treatments before its roads can be resurfaced. Please see the City of South Fulton Traffic Calming Program document for more information.

- XII. Any on-street parking must be parallel. If any angled parking exists on the affected roadways, it must be eradicated and replaced with parallel bays or removed altogether.
- XIII. All construction, maintenance, and inspection requirements (Section 4.1, Items IV-XII) must be approved by the Director of Public Works to indicate conformity to City standards. City standard details can be obtained through the Department of Community Development and Regulatory Affairs (CDRA).
- XIV. Once all criteria have been met, the Department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Following the public hearing, Mayor and Council will take action on the petition.
- XV. Upon approval of right-of-way dedication, the applicant will file a revised subdivision plat indicating the new dispensation of the property and the new right-of-way location. Any expenses or fees incurred in the filing will be the sole responsibility of the applicant.

5.0 PETITION FOR ROAD CLOSURES, PRIVATIZATIONS, AND DEDICATIONS

As required in this policy, a petition shall be submitted to the City of South Fulton Department of Public Works to illustrate the favorable opinion of the affected property owners. Examples of properly formatted petitions are included in Appendix A. All the property owners in the subdivision or along the roadway should be contacted and given an opportunity to sign this petition, indicating their opinion concerning the installation of the traffic calming device. Any abstention or indication other than a "yes" will be considered a "no."

A spouse's signature will not be acceptable if he/she is not the legal owner. If both husband and wife are joint legal owners, both signatures are required. A "Mr. and Mrs." signature is not acceptable. All owners must sign individually, including owners of undeveloped lots, provide legal evidence of good title and authority to convey. Renting tenants are not an acceptable substitute for the legal homeowner. The percentage of support will be calculated, based on individual lots where the owners sign affirmatively, divided by the total number of lots in the plotted subdivision, units, or defined service area. Each lot counts as only one lot regardless of the number of owners signing. 100% of the homeowners in the neighborhood, as defined by City of South Fulton Traffic Engineer or along the affected roadway must vote in support of the proposed action before the petition may be presented to Mayor and Council. Where a neighborhood has a homeowners' association or other legal mechanism allowing a group less than the previously stated required percentages to represent their position on matters such as these, this mechanism may replace the petition process as approved by the City Land Administrator in consultation with the Office of the City Attorney. Appropriate indemnification for maintenance and associated expenses shall be provided for.

The completed petition must be returned to the Department of Public Works where it will be checked against tax records and land lot maps to ensure that it meets all requirements. Petitions that meet the requirements will be presented to Mayor and Council for action. A public hearing will be held before Mayor and Council. Following the public hearing, Mayor and Council will take action on the petition, and the necessary modifications made to the Public Records.

Appendix A

Sample Petitions

Two sample petitions follow. The first is an example of a single sheet per property design which could be included in a Homeowner's Association newsletter or passes out by volunteers. The second is a petition form that includes multiple signatures and could be carried around by volunteers or kept in a central location. One petition is formatted specifically for road closure, while the other is formatted for privatization. This is simply for illustrative purposes. Either form, or a reasonable variation, as approved by the Fire Chief, is acceptable.

Regardless of exact format, all petitions must have certain features. Most importantly, the property owner(s) must clearly indicate they are in favor of the closure, privatization or dedication of the neighborhood streets. The street address of each property should be indicated, along with printed name(s) of the owner. Please note that all listed property owners must sign the petition or a 'no' vote will be recorded for the property. Submitted petitions should include a cover letter from the HOA Board, neighborhood president, or other responsible party attesting that all signatures are correct and valid to the best of their knowledge.

City of South Fulton Department of Public Works
Transportation Division
C/o Traffic Calming Program
5440 Fulton Industrial Blvd, SW, Atlanta, Georgia 30336
(470) 809-7453

PETITION FOR ROAD CLOSURE

I, the undersigned, being the owner of real property located at

in the City of South Fulton, do hereby petition for the closure of [NAME OF ROAD] to through traffic, for purposes of improving the safety of the neighborhood streets for all users of the roadways.

I do hereby pledge and consent to the installation of devices deemed necessary to facilitate the closure of the roadway adjacent to my property to through traffic that are constructed within the public right-of-way and conform to the design and safety standards for such devices as determined by the City of South Fulton Department of Public Works.

Print Name (First, Last)

Signature

Date

Print Name (First, Last)

Signature

Date

PETITION FOR ROAD PRIVATIZATION

We, the undersigned, do hereby record our preference for the privatization of the roadway(s) adjacent to our property and in our neighborhood. We understand and affirm that we will be financially and legally liable for all upkeep, maintenance, and operations of the roadway(s) if privatization is approved by the Mayor and Council.

[illegible]

Neighborhood: _____

Date: _____

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER



ANTONIO VALENZUELA
PUBLIC WORKS DIRECTOR

VIA E-MAIL AND CERTIFIED MAIL# 7008 1140 0003 0163 4466

May 6, 2022

Quantanez Freeman
Post Office at Bakers Ferry Rd
Station Manager
5686 Fulton Industrial Boulevard
Atlanta, GA 30336

Re: Canaan Ridge Subdivision- Closure of Jacanar Lane

Mr. Freeman:

On September 22, 2020, Mayor and Council voted unanimously to approve closure of Jacanar Lane, as requested by Canaan Ridge at the Wolf Creek Subdivision. On July 8, 2021, the City issued the permit to allow Canaan Ridge to close the road.

In March 2022, the city received a petition from the Summit at Stonewall Tell Homeowners' Association to reopen Jacanar Lane. Section 2.1 subsection IX of the City's Road Closure & Privatization Policy states "Once a road closure is implemented, the Department of Public Works reserves the right to move, modify or remove the closure for operational or safety reasons at any time:

- A neighborhood association may request the removal of a road closure in its community. A formal petition will be required showing that 100% of the property owners in the neighborhood and along the affected roadway affirm their support for the removal of the closure. As with installation, removal of traffic calming devices requires action by Mayor and Council. See Section 5.0
- The City of South Fulton may deny a request to remove a road closure based on ***"operational and safety reasons."***

Therefore, the department requests from your agency to notify Public Works in writing whether the Jacanar Lane closure created an operational or safety issues with your daily operations. As such, Public Works would like a response by May 20, 2022, to allow sufficient time for this information to be considered as part of our Road Closure and Privatization Policy.

Should you have any questions or comments, please do not hesitate to call me at (470) 809-7451 or at Antonio.Valenzuela@cityofsouthfultonga.gov

Sincerely,

A handwritten signature in dark ink, appearing to be 'AV', written over the printed name.

Antonio Valenzuela

City of South Fulton Department of Public Works
Transportation Division
5440 Fulton Industrial Bld., SW, Atlanta, Georgia 30336
470-809-7453

PETITION TO REMOVE ROAD CLOSURE OF JACANAR LANE

The Homeowners' Association of the Summit at Stonewall Tell, as the representative of 498 property owners of the Summit at Stonewall Tell, hereby submit this Petition pursuant to **Resolution 2019-054** ("Road Closure Policy") (2.1) (IX); attached as **Exhibit A**, and request the removal of the road closure of Jacanar Lane and reopen the road for public use.

Section 2.1 (IX) of the Road Closure Policy states:

Once a road closure is implemented, the Department of Public Works reserves the right to move, modify or remove the closure for operational or safety reasons at any time.

A neighborhood association may request the removal of a road closure in its community. A formal petition will be required showing that 100% of the property owners in the neighborhood and along the affected roadway affirm their support for the removal of the closure. As with installation, removal of traffic calming devices requires action by Mayor and Council. See Section 5.0.

Additionally, **Section 5.0** of the **Road Closure Policy** states: "where a neighborhood has a homeowners' association or other legal mechanism allowing a group less than the previously stated required percentages to represent their position on matters such as these, this mechanism may replace the petition process as approved by the City Land Administrator in consultation with the Office of the City Attorney." Accordingly, the Summit at Stonewall Tell Homeowners' Association has authorized its officers to represent their position on the removal of the road closure of Jacanar Lane. Therefore, in accordance with the removal provision, we are filing this petition to request the removal of the road closure of Jacanar Lane.

I. Road Closure Requirements

Jacamar Lane, a public road, belongs to the public and is intended for its primary use, which is public passage; and closing Jacamar Lane has terminated the public's use. According to the Road Closure Policy, the Public Works Department will only support a road closure if:

- I. It is a paved local residential street located within the boundaries of the City of South Fulton.
- II. The road in question is part of a neighborhood that **connects to at least three different collector roads**.
- III. The traffic study confirms that a traffic related problem exists.
- IV. There is unanimous support from the community.
- V. It conforms to any programmed transportation capital projects and any approved land use plans.
- VI. Emergency service providers, Fulton County Board of Education, and the Postmaster are consulted.
- VII. A public hearing is held before Mayor and Council for each petition.
- VIII. The design of the construction or device is approved by the Department of Public Works Traffic Engineer.

See, § 2.1 of **Exhibit A**.

We are requesting the removal of the road closure/re-opening of Jacamar Lane because it did not and does not meet the requirements stated in the Road Closure policy. Jacamar Lane's neighborhood, Canaan Ridge at Wolf Creek, does not connect to at least **three different collector roads**, the community is not in support of road closure, and the emergency service providers objected to the road closure when it was initially approved. Additionally, Canaan Ridge at Wolf Creek, the neighborhood which Jacamar Lane is a part of, is zoned to have two exits; and closing Jacamar Lane would place Canaan Ridge at Wolf Creek in violation of the zoning conditions imposed upon this development by Fulton County when the subdivision was approved. Thus, Summit at Stonewall Tell Homeowners' Association Petition to Remove the Closure of Jacamar Lane

because Jacanar Lane does not meet the fundamental requirements for road closure and its neighborhood is zoned for two exits, we are requesting the removal of the road closure of Jacanar Lane.

A. Jacanar Lane's Neighborhood is not connected to any collector roads

Jacanar Lane should be opened because its neighborhood, Canaan Ridge at Wolf Creek, does not connect to three different collector roads. Subsection II of Section 2.1 of the Road Closure Policy (Implementation Considerations) states in full:

The Department of Public Works will only support a road closure if **the road in question is part of a neighborhood that connects to at least three different collector roads**. In the case of a neighborhood with the requisite multiple connections, Public Works staff will consider the closure of specific access points to redirect traffic flow through the neighborhood. Public Works will not support the closure of a single road that connects two collector roads. For purposes of this policy, a collector road is defined as any road that the Department of Public Works has given a functional classification of collector or higher. (emphasis added) See § 2.1 (II) of **Exhibit A**. The City of South Fulton (the "City") defines a collector road as **"a roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials."** See Ord. No. 2018-049, §3.2, ¶262, attached as **Exhibit B**. Further, a collector road's "primary purpose is to distribute trips to and from the arterial system and allow access to the local roads." *Id.*

In its Ordinance to Establish General Rules of The Road, The City of South Fulton provides a list of collector roads. Ord. No. 2018-043, §8-2002(a) ¶¶56-59, attached as **Exhibit C**. Some of the collector roads include: Demooney Road (from Butner Road to Stonewall Tell Road), Enon Road (from Stonewall Tell Road to Campbellton Road), and Union Road (from Stonewall Tell

Road to Miles Road). Upon review of the map of Summit at Stonewall Tell subdivision and Canaan Ridge at Wolf Creek, none of their roads are included in the City's list of collector roads. See attached as **Exhibit D**. Additionally, Union Road (from Campbellton Road to Vandiver Road), which provides access to Westlake High School and close to Canaan Ridge at Wolf Creek, is not included in South Fulton's list of collector roads.

As previously stated, the Department of Public Works will only support a road closure if the road in question is part of a neighborhood that connects to at least three different collector roads. See § 2.1(II) of **Exhibit A**. The policy also indicates that the Department of Public Works will not support the closure of a single road that connects two collector roads. *Id.* Accordingly, since none of the streets in the Summit at Stonewall Tell or Canaan Ridge at Wolf Creek connects to any collector roads, Jacanar Lane should not have been closed.

B. The neighborhood did not fully support Road Closure

Another reason we are requesting the removal of the road closure and reopening of the road is because the neighborhood did not support road closure. The Road Closure Policy states that there must be unanimous support from the community in implementing road closures. See § 2.1(IV) of **Exhibit A**. The affected community includes Brittany Park (210 homes), Canaan Ridge at Wolf Creek (37), and Summit at Stonewall Tell (500). On August 6, 2020, the Department of Public Works held its Virtual Information Hearing that was attended by 181 individuals. According to the Department, 160 people voted on the road closure matter. (See 9/1/20 Memo of City Manager regarding Double Cul-de-sac of Jacanar Lane p.2; attached as **Exhibit E**). The results revealed that 36 residents were in favor of road closure, while 123 were not in favor. This reveals that the neighborhood did not fully support road closure.

C. The Fire Department and The Postmaster did not support Road Closure

Additionally, the petition to close Jacanar Lane was not supported by the South Fulton Fire Department or the Postmaster. According to the Road Closure Policy, the Department of Public Works is required to “consult with emergency service providers, the Fulton County Board of Education, and the Postmaster before approval of any road closure, so that said services will be accommodated and not impaired to render their required performances.” See §2.1(VI) of **Exhibit A**.

The Fire Marshall did not support closing the road. In its memo to the Department of Public Works, The Fire Marshal stated that the prevailing reasons that the subdivisions were approved was due to the ability of the subdivision to provide a secondary access for lots over 29 or provide the required emergency access. (See 1/6/20 Memo of South Fulton Fire Marshal, attached as **Exhibit F**). The Postmaster was also opposed to closing Jacanar Lane and indicated that the road closure would adversely impact their current line of travel and all the carriers within 30331 deliveries. (See USPS memo, attached as **Exhibit G**). The only community partner that did not oppose road closure was the Fulton County Schools. (See Fulton County Schools Memo, attached as **Exhibit H**). As a result, two of the three service providers objected to the road closure of Jacanar Lane because it would impair their required performance. Therefore, we are requesting the removal of the road closure due to the impact it would have on emergency service providers and the majority of homeowners in the area accessing a public street.

D. The Jacanar Lane road closure violates the Canaan Ridge’s zoning conditions

The final reason we are requesting removal of the road closure of Jacanar Lane is because

Canaan Ridge at Wolf Creek is zoned to have two exits. In June 2003, B & W Properties by Summit at Stonewall Tell Homeowners’ Association Petition to Remove the Closure of Jacanar Lane

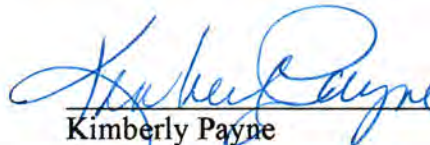
Benchmark Homes (builder of Canaan Ridge at Wolf Creek) filed a petition to develop a single-family residential subdivision on 67 acres at the end of Union Road in Fulton County. On September 3, 2003, Fulton County Board of Commissioners approved the petition to build Canaan Ridge at Wolf Creek on the condition that the owner construct no more than 99 total dwelling units and provide a minimum of two exits/entrances to the subdivision. *See* 9/3/03 Fulton County Board of Commissioners Meeting Minutes, p.182 (3a), attached as **Exhibit I**. Over the next decade, multiple single home dwellings were built in Canaan Ridge at Wolf Creek Subdivision. To comply with the two-entry requirement, Canaan Ridge shared an entrance with Summit at Stonewall Tell, the neighboring subdivision until the road closure of Jacanar Lane. Thus, if Jacanar Lane remains closed, Canaan Ridge would be in violation of the zoning conditions of its subdivision. Accordingly, we are requesting removal of the road closure of Jacanar Lane because it violates the zoning conditions.

II. Conclusion

The Summit at Stonewall Tell Homeowner's Association is requesting the removal of the road closure of Jacanar Lane because it does not meet the requirements stated in the Road Closure policy. Jacanar Lane's neighborhood, Canaan Ridge at Wolf Creek, does not connect to at least **three different collector roads**, the **community** does not support road closure, and the **emergency service providers** objected to the road closure. Additionally, closing Jacanar Lane would place Canaan Ridge at Wolf Creek in violation of the **zoning conditions** imposed upon this development by Fulton County when the subdivision was approved. Therefore, based on the foregoing, we are requesting the removal of the road closure of Jacanar Lane.

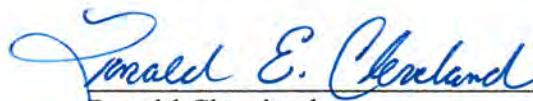
This Petition is presented on behalf of the Summit at Stonewall Tell Homeowner's Association, which has authorized its officers to represent their position on this matter. Please let us know if you require any additional information to support our request.

Respectfully submitted this 18th day of March, 2022,

 3-17-22

Kimberly Payne
President

Summit at Stonewall Tell Homeowners' Association
500 Sugarmill Road,
Bldg B Suite 200
Atlanta, Georgia, 30350

 3-17-2022

Ronald Cleveland
Vice-President

Summit at Stonewall Tell Homeowners' Association
500 Sugarmill Road,
Bldg B Suite 200
Atlanta, Georgia, 30350

EXHIBIT A

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

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

RES2019-054

4
5
6 A RESOLUTION OF THE CITY OF SOUTH FULTON, GEORGIA, ADDRESSING
7 ROAD CLOSURES AND PRIVATIZATION WITHIN THE CITY, ESTABLISHING A
8 ROAD CLOSURE POLICY AND FOR OTHER LAWFUL PURPOSES
9

10 (Sponsored by Councilperson Gumbs)
11

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

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

18 WHEREAS, the metropolitan Atlanta area suffers from a sparse and poorly
19 interconnected transportation network;
20

21 WHEREAS, massive growth in the region over the last two decades has
22 continued to outpace road construction;
23

24 WHEREAS, an increasing number of neighborhoods have inquired about the
25 possibility of closing a roadway to through traffic;
26

27 WHEREAS, some neighborhoods have expressed a desire to take over the right-
28 of-way from the City, hence privatizing the road so they can install gates or other access
29 control devices;
30

31 WHEREAS, in response, Mayor and Council charged the Department of Public
32 Works with developing a uniform policy that would include guidelines and processes for
33 road closures and privatization; and
34

35 WHEREAS, this Resolution will benefit the health and general welfare of the City,
36 its citizens and general public.

37 THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY
38 RESOLVES as follows:
39

40 Section 1: NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby
41 adopts the "City of South Fulton Road Closure and Privatization Policy" attached hereto.

42 *****

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

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

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

59 **Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby
60 expressly repealed.

61 **Section 4.** The effective date of this Resolution shall be the date of adoption unless
62 provided otherwise by the City Charter or state and/or federal law.

63
64
65 THIS RESOLUTION adopted this 12th day of November 2019.

66
67 CITY OF SOUTH FULTON, GEORGIA

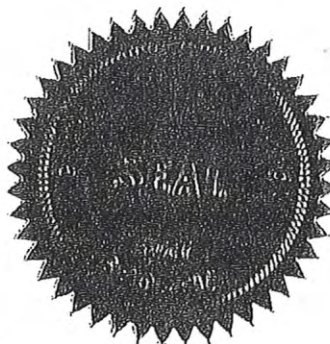
68
69 
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71
72 WILLIAM "BILL" EDWARDS, MAYOR

73
74
75 ATTEST:

76
77 
78
79 S. DIANE WHITE, CITY CLERK

80
81 APPROVED AS TO FORM:

82
83 
84
85 EMILIA C. WALKER, CITY ATTORNEY
86



87 The foregoing RESOLUTION No. 2019-054, adopted on November 12, 2019 was
88 offered by Councilmember Gumbs, who moved its approval. The motion was
89 seconded by Councilmember Jackson, and being put to a vote, the result was as
90 follows:

91

92

93

94 William "Bill" Edwards, Mayor

95 Mark Baker, Mayor Pro Tem

96 Catherine Foster Rowell

97 Carmalitha Lizandra Gumbs

98 Helen Zenobia Willis

99 Gertrude Naeema Gilyard

100 Rosie Jackson

101 khalid kamau

102

103

AYE

NAY

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_____X_____	_____
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City of South Fulton Road Closure & Privatization Policy

Adopted 11-12-2019

1.0 INTRODUCTION

An increasing number of neighborhoods have inquired about the possibility of closing a roadway to through traffic. Some neighborhoods have expressed a desire to take over the right-of-way from the City, hence privatizing the road so they can install gates or other access control devices. In response, Mayor and Council charged the Department of Public Works with developing a uniform policy that would include guidelines and processes for road closures and privatization.

The metropolitan Atlanta area suffers from a sparse and poorly interconnected transportation network. Massive growth in the region over the last two decades has continued to outpace road construction. Commuters on over-capacity collector streets divert along interconnecting local residential roads, adding significant volumes to neighborhood streets. In response, some residents have called for closures to through traffic. Such closures tend to force more traffic along already over-burdened corridors, along with limiting the routing options of the neighborhood residents themselves. Poorly chosen closures serve only to exacerbate an already significant problem.

Implementing a road closure or privatization requires a delicate balance between the desires of the neighborhood residents and the needs of the greater traveling public. Mayor and Council has repeatedly recognized the need for increased interconnectivity in the City transportation network. Proposed and/or approved planning documents, Comprehensive Transportation and land-use plans over the last decade have called for and mandated increased interconnectivity. This policy preserves the repeated desire for interconnectivity while responding to residents' concerns and giving them a voice.

Streets belong to the general as well as the local public; and if the control and general supervision of streets is conferred by the legislature upon the city, the city holds them in trust for the convenience and use of the public at large. It then becomes its duty to keep them in safe and suitable condition for the passage of persons and transportation of commodities. The basic principles of law regarding streets are pronounced in at least two cases, Jones, et al. v. City of Moultrie, et al., 196 Ga. 526 (1943); Accord: Soles v. City of Vidalia, 92 Ga. App. 839 (1955):

A highway is a public way open and free to anyone who has occasion to pass along it on foot or with any kind of vehicle. Id. The streets of a city belong to the public, and are primarily for the use of the public in the ordinary way Id. The primary object of streets is for public passage.

They should be kept open and unobstructed for that purpose...The streets of the city are peculiarly within the police control for the purpose of preserving and protecting their use by the public as thoroughfares. Id.

Road closures and privatization are intrinsically linked. Roads are maintained with public funding and located in City owned right-of-way. As such, the interest of the public good must be weighed when considering the dispensation of any roadway. Privatizing a road can cause problems with the loss of interconnectivity, increased emergency vehicle response times, and school bus routing. Road closures without privatization can also lead to issues of the public good. Some roadways, if closed to through traffic, would serve as little more than City maintained driveways. Conversely, the City should not accept the dedication of right-of-way that will cause an undue maintenance burden. For this reason, we have included in this policy definitive guidelines for City acceptance of dedicated roadways.

1.1 DEFINITIONS

For purposes of this policy, a road closure refers to a publicly owned and maintained roadway that has been partially or completely closed to through traffic. A road closure is typically implemented by the installation of a physical device or barrier designed to prevent vehicular traffic from passing. Closures typically include warning signage and pedestrian access through the barrier. They may include provisions for emergency vehicle access and a vehicular turn-around. The most commonly used type of permanent closure barrier is concrete, or metal bollards installed across a roadway with appropriate signage.

Privatization is the process of the City of South Fulton abandoning or selling the public right-of-way to a private entity if owned in fee. If owned by virtue of dedication, an entity must be established by the adjacent or abutting homeowners so that the privatization of the road will be implemented as set forth hereafter. After privatization, a road becomes a privately-owned thoroughfare which the City neither maintains nor accepts any liability. Any necessary routine or emergency maintenance, such as resurfacing, surface water management, or sinkhole repair, is the responsibility of the owner. The controlling entity may limit access to a private road as it sees fit, subject to City law and policy.

Right-of-way dedication is the opposite of privatization. It is the acceptance of a privately constructed or maintained roadway into the public right-of-way. It may be conveyed either in fee or by easement for road purposes. Once dedicated, the road and land in the dedicated right-of-way become public property to

the extent of the conveyance. The City will thereafter maintain the roadway, performing any improvements or modifications deemed necessary.

1.2 PURPOSE

The purpose of the Road Closure and Privatization Policy is to provide uniform guidelines for evaluation and implementation of citizen requests for road closures, privatizations, and right-of-way dedications. To this end, the City must balance the need of the greater public for increased interconnectivity and transportation alternatives with the safety and quality of life concerns of our residents. The policy outlines the procedures and engineering guidelines for implementing road closures and privatizations. Standardized designs for various closure devices will be developed under this policy to ensure uniformity and safety. Appeals to decisions made under this policy will be adjudicated by the Mayor and Council. Appeals shall be filed with the Director of Public Works and shall follow the processes outlined in this policy.

2.0 ROAD CLOSURE

Before any request for road closure will be considered, a traffic study must be undertaken by the Department of Public Works or a qualified consultant. The results of this study will be analyzed, and the Department of Public Works will make the appropriate recommendations. Staff of the Department of Public Works is available to make presentations and discuss their findings and recommendations with neighborhood associations and community groups. Recommendations are based on engineering and design standards publications such as the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (Green Book), the Manual on Uniform Traffic Control Devices (MUTCD), the Transportation Research Board Highway Capacity Manual, and other design standards and regulations. See Section 2.3 for a chart detailing the steps of the implementation process.

2.1 IMPLEMENTATION CONSIDERATIONS

- I. The Department of Public Works will only support a road closure on paved local residential streets, located within the boundaries of the City of South Fulton. Local streets are those classified by the City as primarily used to directly access land parcels. Residential streets are those where the adjacent land use is deemed primarily residential in nature. Gravel roads will not be considered for publicly maintained road closure. Given the considerable annual maintenance cost of such roads, it would be inappropriate to spend public funds on a roadway that would not serve the public good.
- II. The Department of Public Works will only support a road closure if the road in question is part of a neighborhood that connects to at least three different collector roads. In the case of a neighborhood with the requisite multiple connections, Public Works staff will consider the closure of specific access points to redirect traffic flow through the neighborhood. Public Works will not support the closure of a single road that connects two collector roads. For purposes of this policy, a collector road is defined as any road that the Department of Public Works has given a functional classification of collector or higher.
- III. The traffic study must confirm that a traffic-related problem exists before the Department of Public Works will support any closure request:

- Traffic studies performed for evaluation of a requested road closure must include 24-hour vehicular volumes and speeds. If a study is being conducted by a qualified consultant, please contact the Department of Public Works Traffic Engineer for specific study criteria.
- If a significant speeding problem exists, the neighborhood will be referred to the City's Traffic Calming Program, and road closure will not be supported until after a traffic calming project is implemented and evaluated for effectiveness, as determined by the City of South Fulton Traffic Engineer. Traffic Calming is effective in reducing speeds and volumes on residential roadways and can address the immediate safety concerns caused by speeding traffic more effectively than a road closure.
- For excessive volume, a problem exists when collected vehicular volumes exceed four times the expected trip generation for the surrounding land uses, as calculated using the Trip Generation Handbook.
- For pedestrian and other safety related problems, confirmation will be made based on accident reports, inadequate roadway geometry (such as poor sight distance), and other safety parameters.
- The Department of Public Works Traffic Engineer may recommend support for a closure based on a combination of the factors listed above, and on accepted engineering practice.

IV. The City requires that there be unanimous support from the community for implementing road closures:

- For the implementation of a road closure, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood, as defined by City of South Fulton Traffic Engineer and along the affected roadway affirm their support for the closure. See Section 5.0
- If the required percentages cannot be obtained, the Department of Public Works Traffic Engineer may recommend the road closure based on traffic studies and accepted engineering practice.

V. All road closures must conform to any programmed transportation capital projects and any approved land use plans. Additionally, all closures must conform to any approved regional or state mobility plans. Approval by the Director of Public Works and the Director of Community Development and Regulatory Affairs (CDRA) are required to indicate conformity.

-
- VI. Public Works will consult with emergency service providers, Fulton County Board of Education, and the Postmaster before approval of any road closure, so that said services will be accommodated and not impaired to render their required performances.
- VII. Once all criteria have been met, the Department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Public Works will advertise any public hearing(s) through the use of on-site informational signage as well as by press release prior to the hearing(s). Following the public hearing, Mayor and Council will take action on the petition.
- VIII. The design of any construction or devices used to facility the road closure requires the approval of the Department of Public Works Traffic Engineer.
- IX. Once a road closure is implemented, the Department of Public Works reserves the right to move, modify or remove the closure for operational or safety reasons at any time:
- A neighborhood association may request the removal of a road closure in its community. A formal petition will be required showing that 100% of the property owners in the neighborhood and along the affected roadway affirm their support for the removal of the closure. As with installation, removal of traffic calming devices requires action by Mayor and Council. See Section 5.0
 - The City of South Fulton may deny a request to remove a road closure based on operational and safety reasons.

2.3 ROAD CLOSURE IMPLEMENTATION PROCESS



5.0 PETITION FOR ROAD CLOSURES, PRIVATIZATIONS, AND DEDICATIONS

As required in this policy, a petition shall be submitted to the City of South Fulton Department of Public Works to illustrate the favorable opinion of the affected property owners. Examples of properly formatted petitions are included in Appendix A. All the property owners in the subdivision or along the roadway should be contacted and given an opportunity to sign this petition, indicating their opinion concerning the installation of the traffic calming device. Any abstention or indication other than a “yes” will be considered a “no.”

A spouse’s signature will not be acceptable if he/she is not the legal owner. If both husband and wife are joint legal owners, both signatures are required. A “Mr. and Mrs.” signature is not acceptable. All owners must sign individually, including owners of undeveloped lots, provide legal evidence of good title and authority to convey. Renting tenants are not an acceptable substitute for the legal homeowner. The percentage of support will be calculated, based on individual lots where the owners sign affirmatively, divided by the total number of lots in the plotted subdivision, units, or defined service area. Each lot counts as only one lot regardless of the number of owners signing. 100% of the homeowners in the neighborhood, as defined by City of South Fulton Traffic Engineer or along the affected roadway must vote in support of the proposed action before the petition may be presented to Mayor and Council. Where a neighborhood has a homeowners’ association or other legal mechanism allowing a group less than the previously stated required percentages to represent their position on matters such as these, this mechanism may replace the petition process as approved by the City Land Administrator in consultation with the Office of the City Attorney. Appropriate indemnification for maintenance and associated expenses shall be provided for.

The completed petition must be returned to the Department of Public Works where it will be checked against tax records and land lot maps to ensure that it meets all requirements. Petitions that meet the requirements will be presented to Mayor and Council for action. A public hearing will be held before Mayor and Council. Following the public hearing, Mayor and Council will take action on the petition, and the necessary modifications made to the Public Records.

EXHIBIT B

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE NO 2018-049

A ORDINANCE ADOPTING THE CITY OF SOUTH FULTON SUBDIVISION
REGULATIONS AS APPENDIX D TO THE CITY CODE OF ORDINANCES AND FOR
OTHER LAWFUL PURPOSES

(Sponsored by Councilmember Gilyard)

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 duly elected governing authority of the City is the Mayor and Council thereof ("City Council");

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

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

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

Section 1: The City hereby adopts the City of South Fulton Zoning Subdivision Regulations attached hereto, which shall be Appendix D to the City's Code of Ordinances.

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

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

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

unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

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

Section 4. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 6. Instruction to City Clerk. The city clerk is hereby directed to forward a copy of this ordinance to the City Community Development Department, Planning Commission, City Zoning Consultant and Zoning Board of Appeals.

The foregoing **ORDINANCE No. 2018-049**, adopted on **December 11, 2018** was offered by Councilmember **Gilyard**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, and being put to a vote, the result was as follows:

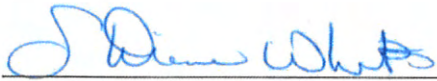
	AYE	NAY
William "Bill" Edwards, Mayor	☒	☐
Mark Baker, Mayor Pro Tem	☒	☐
Catherine Foster Rowell	☒	☐
Carmalitha Lizandra Gumbs	☒	☐
Helen Zenobia Willis	☐	☒ Absent
Gertrude Naeema Gilyard	☒	☐
Rosie Jackson	☒	☐
khalid kamau	☒	☐

THIS RESOLUTION adopted this 11TH day of December 2018. CITY OF SOUTH FULTON, GEORGIA.



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



S. DIANE WHITE, CITY CLERK



ITEM# Ord 2018-049 DATE 12/11/2019

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY



SUBDIVISION REGULATIONS

SOUTH FULTON, GEORGIA CODE OF ORDINANCES

APPENDIX D

Adopted November 27, 2018, Rev. December 11, 2018

ARTICLE I

TITLE AND PURPOSE

1.1 TITLE

The title of these regulations shall be known as "The Subdivision Regulations of South Fulton, Georgia."

1.2 PURPOSE

These rules and regulations are intended to serve the following purposes, among others:

- A. To protect and promote the health, safety, and general welfare of the residents of Fulton County.
- B. To encourage economically sound and stable land developments.
- C. To assure the adequate provision of roads, access, utilities, and other

Open Space - Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

Pavement – (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage, gravel shall not be considered pavement; (2) that part of a street having an improved surface.

Plan, Conceptual - A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to these regulations. The conceptual plan is the first stage in securing a Land Disturbance Permit.

Plat - A map indicating the subdivision or re-subdivision of land, intended to be filed for recording.

Plat, Final - A finished drawing of a subdivision that provides a complete and accurate depiction of all legal and engineering information required by the Subdivision Regulations. Certification for recording and ratification of the Director's approval by the City Council is required.

Plat, Minor - A finished drawing of a single family residential subdivision of no more than two lots that, at the time of subdivision, does not necessarily, but may involve a land disturbance permit, new roads, the extension of a utility or other municipal facility and depicts all legal and engineering information required by these Subdivision Regulations.

Public Works Department - The City Public Works Department.

Right of Way Dedication and Reservation Plan - An element of the City Comprehensive Transportation Plan maintained by the Department of Public Works which includes guidelines and/or procedures for the dedication and reservation of rights-of-way along public roadways.

Standard Details - Illustrative minimum standards for land development activities authorized under the land development regulations of the City. These standards shall not supersede more restrictive prudent design requirements or good engineering practices as applied to specific situations on a case-by-case basis. All construction shall meet or exceed the City minimum standards established by the Georgia Department of Transportation.

Street Classifications - The classification of streets based on functions, from high-traffic arterial roads to low traffic residential streets. The following are definitions intended to distinguish between different street classifications. All Roadways are classified per the Georgia Department of Transportation:

1. **Freeway** - a multi-lane roadway that has full access control and separation of

directional traffic. Freeways accommodate large volumes of high speed traffic and provide efficient movement of vehicular traffic for interstate and major through travel.

2. **Arterial** – a functional classification for a street or highway that provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
3. **Principal Arterial** - a roadway that has partial or no access control, and is primarily used for fast or large volumes of traffic. Emphasis is placed on mobility rather than access to adjacent land.
4. **Minor Arterial** - a roadway that has partial or no access control and is primarily used for inter-connectivity of principal arterials and placing more emphasis on access to adjacent land over mobility.
5. **Collector** - a roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system and allow access to the local roads.
6. **Local** - any roadway that has no access control, and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.
7. **Full Access Control** – a street or highway to which owner or occupants abutting land have complete right of access.
8. **No Access Control** – a street or highway to which owner or occupants abutting land have no right of access.
9. **Partial/Limited Access Control** – a street or highway to which owner or occupants abutting land have little or no right of access.
10. **Frontage Street** - A road that typically runs parallel to a partial access controlled roadway, a full access controlled facility, or a railroad. Frontage roads provide public access to the adjacent parcels, help control access to the major facility, and/or maintain circulation of traffic on each side of the major facility.

Street, Residential - The following definitions are intended to distinguish between different categories of streets internal to residential subdivisions:

1. **Major Subdivision Street:** a local road internal to a subdivision which serves 50 or more housing units. These units do not have to be directly served by the major subdivision street. Major subdivision streets are roads that serve as collectors for the subdivision traffic. Any residential street which accesses a collector or arterial road shall be considered a major subdivision street for the first 300 feet regardless of housing unit service.
2. **Minor Subdivision Street:** a local road internal to a subdivision which serves fewer

EXHIBIT C

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE No. 2018-043**

6
7 **AN ORDINANCE AMENDING THE CITY OF SOUTH FULTON TRUCK ROUTES**
8 **ORDINANCE IN CHAPTER TWO OF TITLE EIGHT OF THE CITY CODE OF**
9 **ORDINANCES AND FOR OTHER LAWFUL PURPOSES**
10

11 **(Sponsored by Councilmembers Willis, Jackson and Gilyard)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;
15

16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
17 Council thereof ("City Council");
18

19 **WHEREAS**, the City Council is authorized by O.C.G.A. § 40-6-371 and O.C.G.A.
20 § 32-4-92 to enact ordinances regulating motor vehicles and traffic with respect to
21 streets and highways under their jurisdiction;
22

23 **WHEREAS**, pursuant to City Charter Section 1.12(b)(18), the City is authorized
24 to regulate the operation of motor vehicles and exercise control over all traffic, including
25 parking, upon or across the streets, roads, alleys, and walkways of the City;
26

27 **WHEREAS**, Fulton County, Georgia, concurs with and approves of the City's
28 trucking restrictions as set forth herein; and
29

30 **WHEREAS**, the City finds it to be in the public interest and for the health, safety,
31 welfare, comfort, and well-being of the City and its inhabitants to regulate motor vehicles
32 and traffic within the City.
33

34 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
35 follows:
36

37 **Section 1: Establishment of Truck Routes Ordinance**
38

39 Chapter 2, Commercial Vehicles/Trucks, of Title 8, Traffic and Vehicles, of the
40 City of South Fulton Code of Ordinances is hereby amended to read as follows:
41

42 **Chapter 2: Commercial Vehicles/Trucks**
43

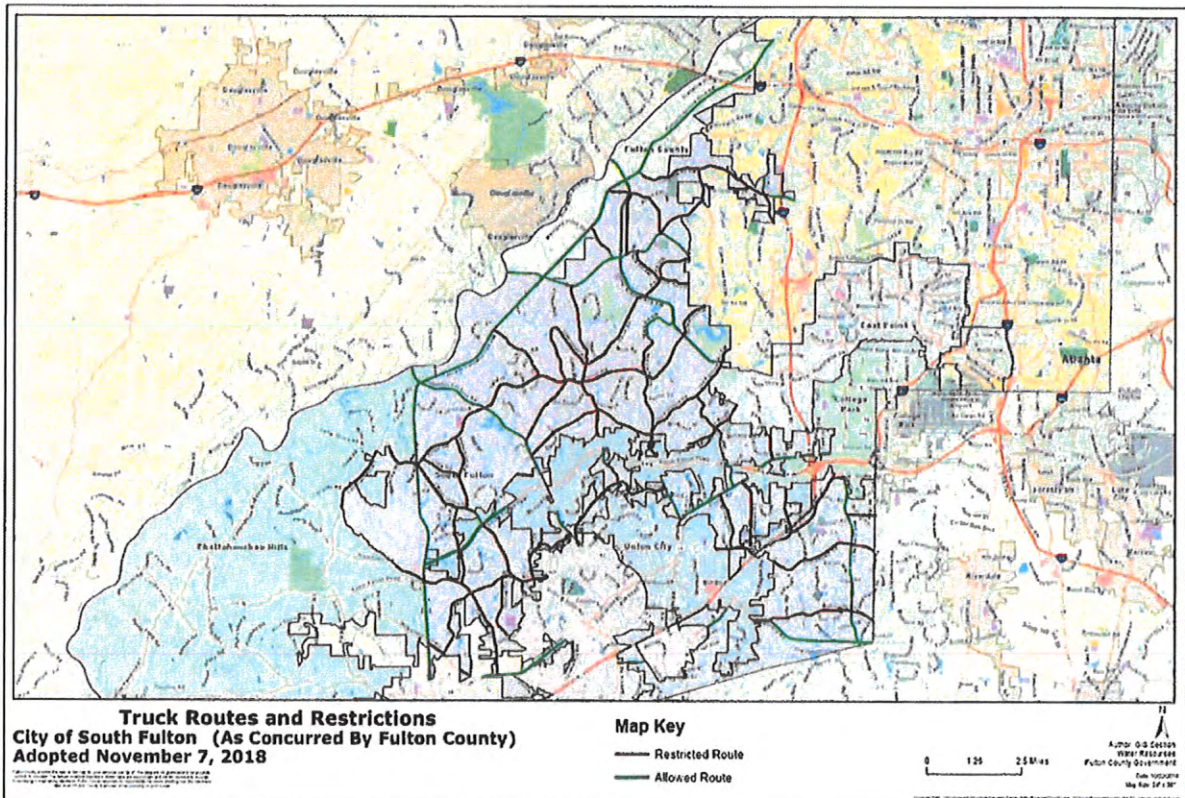
44 **Sec 8-2001. - Definitions**
45

46 The following definitions are used in administering this Chapter.

(a) "Restricted Vehicle" means any Commercial Vehicle, Semi-Trailer, Trailer, or Truck heavier than 26,000 pounds.

Sec 8-2002. – Truck Routes Designated

(a) The following streets and portions of streets, as identified on the map and charts below, are hereby established as designated truck routes and restricted routes:



**City of South Fulton
Designated Truck Routes**

Principal Arterials

Corridor	From	To
Camp Creek Parkway (SR 6)	Chattahoochee River	East Point City Limits
Jonesboro Road (SR 138)	Union City Limits	Clayton County
Roosevelt Highway (US29, SR 14)	Union City Limits	South Fulton Parkway (US 29ALT, SR 14 ALT)
South Fulton Parkway (US 29ALT, SR 14 ALT)	Chattahoochee Hills City Limits	Union City Limits

Minor Arterials

Corridor	From	To
Campbellton-Fairburn Road (SR 92)	Chattahoochee River	Fairburn City Limits
Campbellton Road (SR154)	Chattahoochee River	Atlanta City Limits
Cascade Palmetto Highway (SR154)	Palmetto City Limits	Campbellton-Fairburn Road (SR 92)
Fulton Industrial Blvd (SR 70)	Campbellton Road (SR154)	Atlanta City Limits
Old National Highway (SR 279)	Fayette County Line	College Park City Limits
Roosevelt Highway (US29, SR 14)	Palmetto City Limits	Fairburn City Limits
Roosevelt Highway (US29, SR 14)	South Fulton Parkway (US 29ALT, SR14 ALT)	College Park City Limits
Buffington Road	Rock Quarry Road	Roosevelt Highway (US29, SR14)
Cascade Palmetto Highway	Campbellton-Fairburn Road (SR92)	Campbellton Road (SR154)
Cascade Road	Fulton Industrial Blvd	Westpark Drive
Cascade Road	Fairburn Road	Atlanta City Limits
Fairburn Road	Cascade Road	Atlanta City Limits
Stonewall Tell Road	Roosevelt Highway (US29, SR14)	Union City Limits
Welcome All Road	Roosevelt Highway (US29, SR14)	Will Lee Road

Collectors

Corridor	From	To
Cedar Grove Road	South Fulton Parkway	Union City City Limits
Derrick Road	Union City City Limits	South Fulton Parkway
Merk Road	Aldredge Road	Camp Creek Parkway (SR 6)
Oakley Industrial Blvd	Fairburn City Limits	Union City Limits
Riverside Road	Campbellton Road (SR154)	Plummer Road

**City of South Fulton
Truck Restricted Routes**

Minor Arterials

Corridor	From	To
Bethsaida Road	Jonesboro Road (SR138)	Clayton County Line
Buffington Road	500' south of Birdseye Trail	Rock Quarry Road
Butner Road	Campbellton-Fairburn Road (SR92)	Atlanta City Limits
Cascade Road	Westpark Drive	Fairburn Road
Cochran Mill Road (only a portion in CoSF)	Cascade Palmetto Highway (SR 154)	Rivertown Road
Fairburn Road	Garrison Drive (Atlanta City Limits)	Cascade Road
Flat Shoals Road	Union City Limits	Feldwood Road
Flat Shoals Road	Union City Limits (east of Buffington Road)	Clayton County Line
Old Fairburn Road	Union Road	Atlanta City Limits
Ridge Road	Cascade-Palmetto Highway (SR 154)	Campbellton-Fairburn Road (SR92)
Rivertown Road	Chattahoochee Hills City Limits	Fairburn City Limits
Stonewall Tell Road	Union City Limits	Campbellton Road (SR154)
Welcome All Road	South Fulton Parkway Bridge	East Point City Limits

Collectors

Corridor	From	To
Ben Hill Road	Roosevelt Highway (US29, SR14)	Will Lee Road
Bethlehem Road	Cedar Grove Road	Ridge Road
Bishop Road	Herndon Road	Rivertown Road
Boat Rock Road	Fulton Industrial Blvd (SR 70)	Campbellton Road (SR 154)
Cedar Grove Road	Cochran Mill Road	Union City City Limits
Cedar Grove Road	South Fulton Parkway	Rivertown Road
Clark Road	Ridge Road	Bethlehem Road
Danforth Road	New Hope Road	Atlanta City Limits
Danforth Road	Atlanta City Limits	Cascade Road
Demooney Road	Campbellton-Fairburn Road (GA92)	Butner Road
Demooney Road	Butner Road	Stonewall Tell Road
Derrick Road	Koweta Road	Union City City Limits
Derrick Road	South Fulton Parkway	Jones Road
Enon Road	Stonewall Tell Road	Campbellton Road (SR 154)
Erin Road	Enon Road	Atlanta City Limits
Feldwood Road	Royal South Parkway	Roosevelt Highway (US29, SR14)
Godby Place	Old Bill Cook Road	Godby Road
Hall Road (unpaved)	Jones Road	Union City City Limits
Hobgood Road	Roosevelt Highway (US29, SR14)	Rivertown Road
Jaillette Road	Scarborough Road/Welcome All Road	Thaxton Road
Jones Road	Campbellton Fairburn Road (SR 92)	Stonewall Tell Road
Koweta Road	Campbellton Fairburn Road (SR 92)	Stonewall Tell Road
Mallory Road	Flat Shoals Road	Roosevelt Highway (US29, SR14)
Merk Road	Miles Road	Aldredge Road
New Hope Road	Boat Rock Road	Cascade Road
Old Bill Cook Road	Buffington Road	Old National Highway (SR 279)
Ono Road	Wilkerson Mill Road	Hobgood Road
Pleasant Hill Road	Old National Highway (SR 279)	Clayton County Line
Reynolds Road	Campbellton Road (SR 154)	Boat Rock Road
Riverside Drive	Plummer Road	Fulton Industrial Boulevard (SR 70)
Scarborough Road	Mason Road	Welcome All Road
Short Road	Rivertown Road	Cedar Grove Road
Thaxton Road	Jaillette Road	Old Fairburn Road
Union Road	Stonewall Tell Road	Miles Road
Wallace Road	Enon Road	Campbellton Road (SR 154)
West Stubbs Road	Butner Road	Cascade Palmetto Highway
White Mill Road	Rivertown Road	Campbellton Fairburn Road (SR 92)
Wilkerson Mill Road	Cascade Palmetto Highway (SR154)	Palmetto City Limits

All Other Residential Roads

- (b) Routes shall not be restricted alongside any portion of a street that is exclusively within the jurisdiction of another city on both sides.
- (c) Appropriate signs shall be erected indicating the streets that have been designated by ordinance as an official truck routes. Such signs shall meet the requirements of state law and all applicable regulations and shall read "TRUCK ROUTES" in letters not less than four inches in height. Signs shall be posted at all intersections of designated truck routes within the boundary of the City, at off-ramps from the Interstate 285 freeway, 20 and 85, and at any intersection where a turning movement is necessary on a designated truck routes.

Sec. 8-2003. - Prohibition on Commercial Vehicles Traveling off Truck Routes

EXHIBIT D

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane



EXHIBIT E

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Honorable Mayor William "Bill" Edwards & City Council Members

FROM: Odie Donald II 
City Manager

DATE: September 1, 2020

SUBJECT: **Canaan Ridge at Wolf Creek Subdivision – Double Cul-de-sac Jacanar Lane**

Background

In the summer of 2019, the Public Works Department received a traffic calming request from the Canaan Ridge at Wolf Creek subdivision to address speed and traffic volume in their neighborhood.

On July 11, in response to the request, the Traffic Operations division collected data on Jacanar Lane and Bunting Lane. Results showed that traffic calming measures were warranted due to both speed and volume. To comply with the City's Traffic Calming Ordinance 2019-019, the Department requested that the subdivision submit a petition authorizing the Public Works Department to begin a traffic calming design.

In December, the Public Works Department received a subsequent petition from the HOA President to double cul-de-sac Jacanar Lane; thus, closing access to the adjoining subdivision, Summit at Stonewall Tell. This new request fell under the Road Closure Resolution (No. 2019-054). To comply with the Resolution, the Department had to comply with the following:

1. In section 2.1, subsection IV of the Resolution, the department is to verify unanimous support for the road closure. The department confirmed, through signed petitions, that 100% of the homeowners in the Canaan Ridge at Wolf Creek neighborhood were in favor of the cul-de-sac.
 2. In section 2.1, subsection VI of the Resolution, "consult with emergency service providers, Fulton County Board of Education, and the Postmaster before approval of any road closure, so that said services will be accommodated and not impaired to render their required performances."
- Fire Department
In a memo to the department, the Fire Marshall did not fully support closing the road. Alternatively, the Fire Chief indicated that the cul-de-sacs are required to be 96' with a Public Safety Emergency Access Gate.

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- **Board of Education**
The school board informed the department that the road closure would not impact access in the neighborhoods.
 - **Board of Education/Postmaster**
The postmaster indicated that the road closure would adversely impact their current line of travel and all the carriers within 30331 delivery.
3. Section 2.1, Subsection VII of the Resolution, reads “The department of Public Works will present the completed petitions to Mayor and Council for action. A public hearing will be held before Mayor and Council for each petition. Public Works will advertise any public hearing(s) through the use of on-site informational signage as well as by press release prior to the hearing(s). Following the public hearing, Mayor and Council will take action on the petition.”

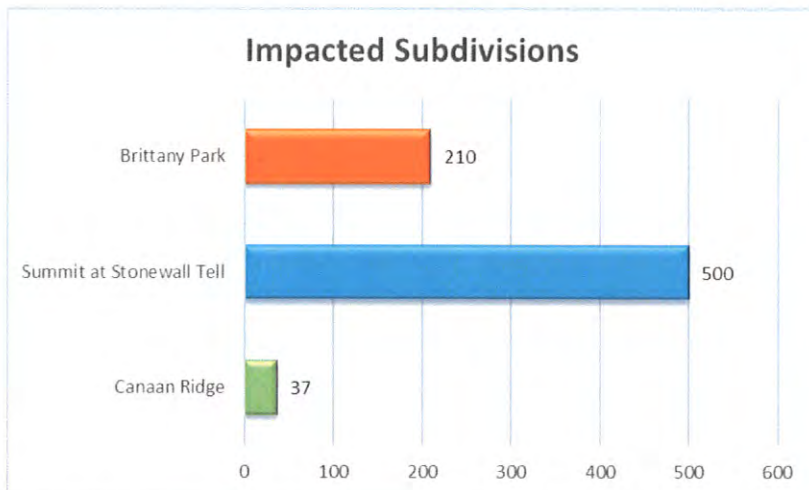
On Thursday August 6, the Department held the Virtual Information Hearing (VIH). One hundred and eighty-one (181) individuals registered to attend the meeting and provided the requested survey. After further verifications of each vote, this number was reduced from 181 votes to 160, due to duplications and incomplete addresses. Below are the results from the Votes:

RESULTS FROM 160 VALID VOTES		
Subdivision Name	YES (In favor of Road Closure)	No (Not in Favor of Road Closure)
	Number of Votes	Number of Votes
Canaan Ridge	28	1
Summit at Stonewall Tell	3	121
Others	5	2 (1 voted other)

Impacts to Surrounding Subdivisions

Section 2.1, Implementation Considerations, sub-section IV of the Resolution reads “For the implementation of a road closure, a formal petition must be submitted to the City, showing that 100% of the property owners in the neighborhood, as defined by City of South Fulton Traffic Engineer and along the affected roadway affirm their support for the closure.”

Surrounding neighborhoods that will be impacted by the closure include the subdivision of Summit at Stonewall Tell with a total home count of nearly five hundred (500) homes and Brittany Park with a total of two hundred and ten (210) homes. Canaan Ridge currently has thirty-seven (37) homes.



Subdivision Accessibility

The request to close Jacanar Lane will limit the number of entry and exit roads to the subdivision as follows:

Subdivision Accessibility		
Subdivision Name	Number of Current Entries/Exits Prior to Closure	Number of Entry(ies)/Exit(s) Post to Closure
Canaan Ridge	2	1
Summit at Stonewall Tell	3	2
Brittany Park	2	1

Public Engagement

As required by Section 2.1, Implementation Considerations, sub-section VII of the Resolution, the Department posted informational street signs of the Virtual Information Hearing at entrances/exits of Canaan Ridge and Summit at Stonewall Tell and on roads leading to the two subdivisions. The Department also posted meeting information on the City of South Fulton Website and Social Media outlets.

Our Public Works team also provided additional engagement methods that are not required by the ordinance, which included assistance from the Fire Department to hand deliver flyers to as many residents in the Canaan Ridge and Summit at Stonewall Tell Subdivisions. Equally important, residents were encouraged to complete a brief online survey to share their comments and cast a vote.

Fiscal Impact

There is no fiscal impact to the City.

Request

Section 2.1, Implementation Considerations, sub-section VII of the Resolution adheres to the guidelines performed by the Public Works Department. Public Works advertised and held a public hearing. The Public Works Department request Mayor and Council to take action on the petition on the road closure of Jacanar Lane requested from Canaan Ridge.

Should you need further information regarding this correspondence, please contact Antonio Valenzuela at antonio.valenzuela@cityofsouthfultonga.gov.

EXHIBIT F

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

GOVERNMENT OF THE CITY OF SOUTH FULTON

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Freddie Brome, Fire Chief

FROM: Donna Kaye Dingler, Fire Marshal *DKD*

DATE: January 6, 2020

SUBJECT: Cul de Sac Petition on Jacanar Ln, Canaan Ridge at Wolf Creek

The prevailing reasons that the subdivisions were approved was due to the ability of the subdivision being able to provide a secondary access for lots over 29 or provide the required emergency access. I would state that no matter how the cul de sac is designed, it will be required to have the ability to substantiate 80,000 pounds and have access from Jacanar to Bluestone stone drive and be gated with a Knox Lock system adequate to gate installed. The code specifically state we shall have an emergency access and that is simply what must be maintained, this has been a public roadway for a period of time, and has been included in response times calculations within the subdivisions as I there are three subdivisions that lie between the main thoroughfares of Enon Road and Stonewall Tell, by shutting this access you force majority of traffic back to stonewall Tell Road, though traffic is not my main area of prevue, it does inhibit the emergency response, therefore by shutting off the access between Bluestone Dr and Jacanar Ln, denies the access therefore in order to meet code the subdivision then is force to provide an emergency access for fire. There must be accessibility for fire in the design to allow fire to move from Jacanar to Bluestone and it also affects the nearest hydrant to at least four lots in Cannan Ridge.

EXHIBIT G

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

Roussan C. Francois

From: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>
Sent: Tuesday, March 31, 2020 5:11 PM
To: Roussan C. Francois
Cc: Antonio M. Valenzuela; Udell, Thomas/JCG
Subject: RE: Transportation- Canaan Ridge Subdivision

Good Afternoon,

I have spoken with the Area Manager and the Officer in Charge, we would oppose the addition of the cul-da-sac. The addition of it would adversely impact most if not all the carriers within 30331 delivery and the carriers current line of travel.

Thanks,



Brittanie Muckle

Customer Relations Coordinator/A
(O)770.935.5078|(F)404.765.7220

From: Roussan C. Francois [mailto:roussan.francois@cityofsouthfultonga.gov]
Sent: Tuesday, March 31, 2020 11:47 AM
To: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>; Udell, Thomas/JCG <Thomas.Udell@jacobs.com>
Subject: [EXTERNAL] RE: Transportation- Canaan Ridge Subdivision

Oops. I forgot the map

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Roussan C. Francois
Sent: Tuesday, March 31, 2020 11:39 AM
To: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@CityofSouthFultonga.gov>; Udell, Thomas/JCG <Thomas.Udell@jacobs.com>
Subject: RE: Transportation- Canaan Ridge Subdivision

Please see below in red

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>
Sent: Monday, March 30, 2020 9:55 AM
To: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: RE: Transportation- Canaan Ridge Subdivision
Importance: High

Good Morning,

I need a little more information from you before we can make a decision.

1. When does the city plan to start the project to put the roundabout in?
As I indicated, the developer is proposing a dual cul de sac at the proposed location (see map). This is not a city project. The city has to review plan and support or deny request. The city wants to know if closure will adversely impact circulation/access of your services
2. How long will the project take?
Not sure.
3. What time of day would construction be conducted?
Assuming normal operations (7:00am-5PM)
4. Would we be able to deliver before or after construction for the day?
Please refer to map. Access will cut between Jacanar Lane, Bluestone stone Dr, Wangler Drive, Bunting lane; to name a few
5. Total number of residents affected?
 - a. Several Hundreds 500+ (I can get you the exact at a later date)
6. Can you provide address range with streets that would be affected?
 - a. Direct Impact
 - i. Goshawk Rd SW (300-345)
 - ii. Jacanar lane (2592-2773)
 - iii. Bunting Lane (for now/Still under cst, 5943, 5942, 5942)
 - iv. Junco Way (all parcels)
 - v. Bluestone Dr (2692-2844)
 - vi. Wangler Dr (2462-2563)
 - b. Indirect but still impacted
 - i. Still Rock Drive
 - ii. Stonehaven Rd
 - iii. Woodmill Way

Thanks,



Brittanie Muckle

Customer Relations Coordinator/A
(O)770.935.5078|(F)404.765.7220

From: Roussan C. Francois [<mailto:roussan.francois@cityofsouthfultonga.gov>]
Sent: Friday, March 27, 2020 1:45 PM
To: Muckle, Brittanie - Atlanta, GA <Brittnie.Muckle@usps.gov>
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: [EXTERNAL] RE: Transportation- Canaan Ridge Subdivision

yes

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Muckle, Brittanie - Atlanta, GA <Brittnie.Muckle@usps.gov>
Sent: Friday, March 27, 2020 1:42 PM
To: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: RE: Transportation- Canaan Ridge Subdivision

I want to make sure I am clear you would be impacting what's circled in red correct?



Thanks,



Brittnie Muckle

Customer Relations Coordinator/A
(O)770.935.5078|(F)404.765.7220

From: Roussan C. Francois [<mailto:roussan.francois@cityofsouthfultonga.gov>]
Sent: Friday, March 27, 2020 1:36 PM
To: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>; brittnie.muckle@usps.com
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: [EXTERNAL] RE: Transportation- Canaan Ridge Subdivision

Thanks for your quick response. We are meeting with the neighborhood Monday afternoon and would appreciate an answer in the morning.

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Muckle, Brittanie - Atlanta, GA <Brittanie.Muckle@usps.gov>
Sent: Friday, March 27, 2020 1:31 PM
To: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>; brittnie.muckle@usps.com
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: RE: Transportation- Canaan Ridge Subdivision

Good Afternoon,

I have been in and out of the office for the last few days, it will be next week before I would have an answer.

Thanks,



Brittanie Muckle
Customer Relations Coordinator/A
(O)770.935.5078|(F)404.765.7220

From: Roussan C. Francois [<mailto:roussan.francois@cityofsouthfultonga.gov>]
Sent: Friday, March 27, 2020 11:01 AM
To: brittnie.muckle@usps.com
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@cityofsouthfultonga.gov>
Subject: [EXTERNAL] RE: Transportation- Canaan Ridge Subdivision
Importance: High

Ms Muckle,
Good morning. Any update on the request below? I tried several times to reach you by phone and your voicemail is full.
Please advise

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Roussan C. Francois
Sent: Tuesday, March 24, 2020 9:18 AM
To: brittnie.muckle@usps.com
Cc: Antonio M. Valenzuela <Antonio.Valenzuela@CityofSouthFultonga.gov>
Subject: Transportation- Canaan Ridge Subdivision
Importance: High

Ms. Muckle,
Brittnie,

It was a pleasure talking to you this morning. As I stated, the Public Works Department of the City of South Fulton received a petition filed by the Cannan Ridge at Wolf Creek subdivision to close Jacanar Lane (see attached petition). Please inform the department whether the closure would adversely impact your service to, through, or from the subdivision and surrounding subdivisions. Please indicate whether you support or are in opposition to the closure.

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

EXHIBIT H

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

Roussan C. Francois

From: Smith, Synasus L. <SmithSL@fultonschools.org>
Sent: Thursday, March 26, 2020 2:09 PM
To: Roussan C. Francois; Cross, Vickie
Subject: RE: Transportation- Canaan Ridge Subdivision

Thank you for considering how school bus transportation would be impacted with the proposal.

Sincerely,

Synasus Lynn Smith

Westlake Org. Supervisor, Transportation
Fulton County School System
97 Heath Street | Fairburn, GA 30213
470-254-0511 direct phone | 470-254-6060 main phone | 470-254-6093 fax
smithsl@fultonschools.org | www.fultonschools.org
[Transportation Website](#)

From: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>
Sent: Thursday, March 26, 2020 2:06 PM
To: Smith, Synasus L. <SmithSL@fultonschools.org>; Cross, Vickie <CrossV@fultonschools.org>
Subject: RE: Transportation- Canaan Ridge Subdivision

WARNING - this email originated outside of Fulton County Schools. Use extreme caution even if you recognize the sender's name. Contact ITServiceDesk@FultonSchools.org with any concerns.

Thank you very much for your quick response

Thanks



Roussan C. François
Public Works Program Manager
5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336
Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

From: Smith, Synasus L. <SmithSL@fultonschools.org>
Sent: Thursday, March 26, 2020 2:04 PM
To: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>; Cross, Vickie <CrossV@fultonschools.org>
Subject: RE: Transportation- Canaan Ridge Subdivision

Good afternoon,

After visiting Jacanar Lane from Bunting Lane and Bluestone Dr. The proposed closure will not impact transportation in accessing the neighborhood.

Thank you,

Synasus Lynn Smith

Westlake Org. Supervisor, Transportation

Fulton County School System

97 Heath Street | Fairburn, GA 30213

470-254-0511 direct phone | 470-254-6060 main phone | 470-254-6093 fax

smithsl@fultonschools.org | www.fultonschools.org

[Transportation Website](#)

From: Roussan C. Francois <roussan.francois@cityofsouthfultonga.gov>

Sent: Thursday, March 26, 2020 10:01 AM

To: Cross, Vickie <CrossV@fultonschools.org>

Cc: Smith, Synasus L. <SmithSL@fultonschools.org>

Subject: Transportation- Canaan Ridge Subdivision

Importance: High

WARNING - this email originated outside of Fulton County Schools. Use extreme caution even if you recognize the sender's name. Contact ITServiceDesk@FultonSchools.org with any concerns.

Mrs. Cross,

The Public Works Department of the City of South Fulton received a petition filed by the Cannan Ridge at Wolf Creek subdivision to close Jacanar Lane (see attached petition). Please inform the department whether the closure would adversely impact your service to, through, or from the subdivision and surrounding subdivisions (Summit at Stonewall Tell). Please indicate whether you support or are in opposition to the closure.

Please note that the information was also sent to Synavus Smith earlier this week. I would appreciate your quick attention to this matter as your agency is the only one remaining to comment on the request.

Thanks



Roussan C. François

Public Works Program Manager

5440 Fulton Industrial Blvd, S.W., Suite A Atlanta, GA 30336

Phone: (470)-809-7462 | Roussan.francois@cityofsouthfultonga.gov

EXHIBIT I

Summit at Stonewall Tell Homeowners' Association
Petition to Remove the Closure of Jacanar Lane

The Board of Commissioners of Fulton County met in Regular Meeting Session this Third day of September 2003. Mark Massey, Clerk to the Commission, called the roll and the following Commissioners were present:

William "Bill" Edwards, Vice Chairman
Robert Fulton, Commissioner
Robert L. "Robb" Pitts, Commissioner
Tom Lowe, Commissioner
Emma I. Darnell, Commissioner
Nancy A. Boxill, Commissioner
Vacant, Chairman

Also present were Thomas Andrews, County Manager; O. V. Brantley, County Attorney and Patrick O'Connor, Director of Finance.

With a quorum present, Vice Chairman William "Bill" Edwards called the meeting to order at 10:13 a.m. and the invocation was given by Reverend Howard Creecy.

The Pledge of Allegiance was recited in unison.

Environment and Community Development Recommendation: 60 day Approval.

Mark Massey - "Two related cases. **03-1097. Case No. 2003Z 0020. And 03-1098. Case No. 2003VC 0034.** West Stubbs Road. Staff."

Ms. Wakefield - "This is a rezoning request from a C-1 and an AG-1 to a MIX for a development consisting of retail, commercial, townhomes, 210 units and single-family lots of 750 lots. The petitioner's also requesting a related concurrent variance. The recommendation of the Community Zoning Board is for denial. Although, the staff's recommendation is approval of the rezoning and denial of the concurrent variance; the petitioner has asked for this matter to be deferred for up to 60 days."

Vice Chairman Edwards - "Any opposition on the deferral? Would you like to say something?"

Carl Westmoreland - "No, Mr. Edwards. We got a few issues to work out with Clifondale. And I think they're agreeable to the deferral as well."

Vice Chairman Edwards - "Okay. I'm going to close the Public Hearing. You want a 60-day deferral. Is that what we're asking for?"

Mr. Westmoreland - "Yes, sir."

Vice Chairman Edwards - "Okay. I'm going to close the Public Hearing. I move that we defer for 60 days."

Commissioner Lowe - "Second."

Vice Chairman Edwards - "Okay. Any discussion? None being. Cast your votes on the motion to defer for 60 days. That motion carries. Next case."

A motion was made by Vice Chairman Edwards and seconded by Commissioner Lowe to hold for 60 days as requested by the applicant. The motion carried by a vote of 6-0-0.

03-1099 PETITION #2003Z 0098 FCS UNION ROAD - APPLICATION OF
B & W PROPERTIES, SEEKS A REZONING FROM AG-1
(AGRICULTURAL) AND R-3 (RESIDENTIAL) TO R-3A
(RESIDENTIAL) ZONING CLASSIFICATION (APPROVED)

&

03-1100 PETITION #2003VC 0133 FCS UNION ROAD - APPLICATION
OF B & W PROPERTIES, SEEKS A REZONING FROM AG-1
(AGRICULTURAL) AND R-3 (RESIDENTIAL) TO R-3A
(RESIDENTIAL) ZONING CLASSIFICATION (APPROVED)

Mr. Mark Massey, Clerk to the Commission, presented the following letter from Inga Kennedy, Chairman of the Fulton County Community Zoning Board:

DEPARTMENT OF ENVIRONMENT & COMMUNITY DEVELOPMENT
141 Pryor Street, S.W., Suite 2085
Atlanta, Georgia 30303
Telephone: 404-730-7800

03-1099
03-1100

FULTON COUNTY COMMUNITY ZONING BOARD
(UNINCORPORATED)

STEVEN R. COVER, AICP, DIRECTOR

Inga Kennedy, Chairman
Roger Rupnow, Vice Chairman
Charles M. Hood, Jr.
Clifford F. Smiley, Jr.
Susan Maziar
Wallace V. Linsey, Sr.
Deanne E. Meningall



AUGUST 20, 2003

BOARD OF COMMISSIONERS
FULTON COUNTY
GEORGIA

TWO RELATED CASES:

CASE #: 2003Z 0098 & 2003VC 0133 FCS UNION ROAD

APPLICATION OF B & W PROPERTIES BY BENCHMARK HOMES BY STEVEN BOGGS SEEKS A REZONING FROM AG-1 (AGRICULTURAL) AND R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) ZONING CLASSIFICATION; ALSO SEEKS A CONCURRENT VARIANCE TO REDUCE THE 50-FOOT SETBACK FOR NEW STREETS TO 0 FEET (ARTICLE 34.5.7); PROPERTY HAVING A FRONTAGE OF 132.94 FEET ON UNION ROAD (END), CONTAINING 67.17 ACRES AND BEING IN LAND LOTS 121, 128 AND 129 OF THE 14F DISTRICT, FULTON COUNTY, GEORGIA.

PROPOSED USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION

STEVEN BOGGS
BENCHMARK HOMES
2266 FAIRBURN ROAD
DOUGLASVILLE, GA 30135

THE FULTON COUNTY COMMUNITY ZONING BOARD, FOLLOWING FIFTEEN DAYS OF PUBLIC NOTICE, AS REQUIRED BY LAW, PRELIMINARY PUBLIC HEARING HELD TUESDAY, AUGUST 19, 2003, AND AFTER CAREFUL STUDY OF THE AREA, INCLUDING INSPECTION OF THE SITE BY MEMBERS OF THE COMMUNITY ZONING BOARD, RECOMMENDED THE PETITIONS FOR APPROVAL.

LEGAL DESCRIPTION OF PROPERTY IS ATTACHED.
DATE ADVERTISED: 08/04/03

A handwritten signature in dark ink, appearing to read "Inga Kennedy".
INGA KENNEDY, CHAIRMAN

Customary letters and findings are on file in the Clerk's Office as part of this petition.

Environment and Community Development Recommendation: 60 day Approval.

Mark Massey - "Page 22. Two Related Cases. **03-1099. Case No. 2003Z 0098. And 03-1100. Case No. 2003VC 0133.** Union Road. Staff."

Ms. Wakefield - "This is a rezoning request from an AG-1 and an R-3 to an R-3A for a 99-lot single-family subdivision. Recommendation of staff is approval. The recommendation of the Community Zoning Board is approval for the rezoning. The petitioner is also requesting the related concurrence variance. And the recommendation is approval of that request."

Vice Chairman Edwards - "The petitioner. Are you the petitioner?"

Unknown Male Speaker - "Yes."

Vice Chairman Edwards - "All right. Any opposition on this? Opposition?"

Unknown Female Speaker - "No."

Vice Chairman Edwards - "Okay. Being no opposition, sir, would you just like to say something. Okay. I'm going to close the Public Hearing. I move to approve."

Commissioner Lowe - "Second."

Commissioner Fulton - "Second."

Vice Chairman Edwards - "Discussion. Cast your vote on the motion to approve. That passes. Next case."

A motion was made by Vice Chairman Edwards and seconded by Commissioner Lowe to approve as recommended and conditioned by Staff. The motion carried by a vote of 6-0-0.

There being no objections, Petitions 2003Z 0098 and 2003VC 0133 were approved subject to the following Zoning Resolution, Recommended Conditions, and Legal Description:

R E S O L U T I O N

A RESOLUTION TO AMEND THE 1955 ZONING RESOLUTION OF FULTON COUNTY

WHEREAS, proper notice of this amendment has been published once a week for two weeks in the newspaper in which the Sheriff's advertisements are published, which

notice stated the nature of the proposed change and the date, hour and place at which the Board of Commissioners of Fulton County would hold a public hearing on said amendment, said notice having been published on the following dates: 08/04/03 AND,

WHEREAS, said proposed amendment was submitted to the Planning Commission, and said Planning Commission has held a public hearing thereon, and has made its recommendation to the Board of Commissioners of Fulton County;

NOW, THEREFORE, BE IT RESOLVED that the 1955 Zoning Resolution adopted by the Board of Commissioners of Fulton County on March 11, 1955, and recorded in Minute Book W-1, pages 180 continuous of the Minutes of the Board of Commissioners of Fulton County, and heretofore amended, be and the same is hereby further amended as follows:

CONDITIONS: PER PLANNING STAFF'S MEMORANDUM RECEIVED 09/20/03:

**PETITION No. 2003Z-0098 SFC
2003VC-0133 SFC**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be APPROVED R-3A (Residential) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. No more than 99 total dwelling units at a maximum density of 1.474 dwelling units per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Environment and Community Development on June 24, 2003. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. To comply with the Subdivision Regulations of 2003, Fulton County, Georgia.

- c. All recreational and other open areas held in common shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Environment and Community Development for review and approval prior to the recording of the first final plat.

3. To the owner's agreement to the following site development considerations:

- a. A minimum of two (2) exits/entrances must be provided into residential development of 80 lots or more. One curb cut is to be located on the major frontage road. Additional access points may be located on frontage roads and/or via inter-parcel access to an adjacent property/abutting street. Exit/entrance details (locations, alignments, etc.) are subjects to the approval of the Fulton County Traffic Engineer.
- b. Reduce the 50-foot setback for a new street to 0 feet (2003VC-0133 SFC).
- c. Provide 9.57 acres (14%) of the property for open space.
- d. Provide a 9,000 square foot park within the subdivision.
- e. The minimum house size shall be 1,800 square feet.
- f. All utilities shall be located underground.
- g. Houses shall be one-sided masonry fronts (brick, stucco, stone or stacked brick). Foundations shall not be exposed. Homes on corner lots and model homes shall have three sided bricks. Homes may have architectural accents on fronts and sides instead of masonry.

4. To the owner's agreement to abide by the following requirements, dedication and improvements:

- a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Union Road.

- b. Provide a right turn/deceleration lane at the cul-de-sac entrance of the development or as may be required by the Fulton County Traffic Engineer.
 - c. Provide a left turn lane for each project entrance or as may be required by the Fulton County Traffic Engineer.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - c. Prior to the application for a Land Disturbance Permit (LDP) with the Department of Environment and Community Development, the developer/engineer shall contact the Public Works Department, Water Service Division and arrange to meet with the Fulton County Drainage Engineer on-site.
 - d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.
 - e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
 - f. The developer/engineer is responsible to demonstrate to the County by engineering analysis at the Land Disturbance Permit application that the proposed development surface water runoff conditions: are controlled at the minimum predevelopment level so that downstream conveyance systems will not be impacted, do not aggravate existing flooding or drainage problems, and do not create new flooding or drainage problems off-site.
 - g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Public Works, Surface Water Management Section, a project Storm Water Concept Plan. This concept plan shall include a preliminary

drawing describing the proposed location of the project surface water quality and quantity facilities/Best Management Practices (BMP's), the existing downstream off-site drainage conveyance system that the proposed development runoff will impact, and the discharge path(s) from the facilities'/BMP's outlet(s) through the offsite drainage system to the appropriate receiving waters. As part of the concept plan, a preliminary capacity analysis shall be performed on the identified offsite drainage system to identify the capacity of all points of constraint (pipes, culverts, etc.), the point in the stream channel where 25 year storm peak flow is the greatest percentage of the channel capacity, and the impact of post developed flows on these points. The critical capacity points shall be selected based upon the engineers' professional judgment and limited field survey data.

- h. The developer/engineer is responsible to conceptually describe to the County at the Storm Water Concept Plan approval phase post development structural Best Management Practices (BMP's) to be utilized to reduce surface water pollution impact associated with the proposed development. The detailed engineering analysis and specifications of BMP's shall be included as a part of the LDP storm water submittal.
- i. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from any storm water management facility shall mimic pre-development sheet flow conditions and shall as a minimum utilize a level spreader as described in "Fulton County Storm Water Management Storm Drainage Design and Criteria Manual, December 2000".
- j. At the Concept review stage provide information on the Structural Best Management Practices (BMP's) that will be used to remove pollutants, such as organic matter, oil and grease from parking lot surface water runoff leaving the site. An assessment of the use of adsorptive filter catch basin inserts shall be provided, and selected BMP's shall be described and located on the storm water concept plan.

LEGAL DESCRIPTION
CANAAN RIDGE AT WOLF CREEK

RECEIVED

JUN 24 2003

DEPT OF PUBLIC WORKS

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS
121, 128, and 129 OF THE 14th DISTRICT FF, FULTON COUNTY, GEORGIA AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 21 Stone found on the south west corner of land lot 129
THENCE North 89 degrees 04 minutes 20 seconds West 732.96 feet along
the south line of land lot 129 to point in the intersection of land lots 120, 121,
128, and 129 and being the TRUE POINT OF BEGINNING

THENCE North 89 degrees 04 minutes 15 seconds West for
a distance of 645.29 feet along the south line of land lot 129 to an IPF
1- 1/2 " CT pipe;

THENCE South 00 degrees 40 minutes 58 seconds East for a
distance of 942.45 feet to a point;

THENCE South 87 degrees 23 minutes 28 seconds East for a
distance of 1103.67 feet along the Georgia Power Easement to a point;

THENCE South 00 degrees 40 minutes 17 seconds West for a
distance of 910.09 feet along the Georgia Power Easement to a point;

THENCE North 89 degrees 04 minutes 20 seconds West for a
distance of 275.00 feet across the Georgia Power Easement to an IPF
1/2" OT pipe at the intersection of land lots 120, 121, 128, and 129;

THENCE South 88 degrees 44 minutes 00 seconds East for a
distance of 1243.98 feet to a point;

THENCE South 88 degrees 51 minutes 17 seconds East for a
distance of 59.87 feet to a point;

THENCE North 00 degrees 00 minutes 00 seconds East for a
distance of 176.13 feet to a point;

THENCE North 87 degrees 40 minutes 35 seconds East for a
distance of 368.54 feet across a gas line easement to a point;

THENCE North 23 degrees 32 minutes 00 seconds West for a
distance of 337.97 feet to along the gas line easement to a point;

THENCE North 80 degrees 29 minutes 29 seconds East for a
distance of 477.05 feet across the Camp Creek to a point;

THENCE North 35 degrees 30 minutes 29 seconds East for a
distance of 70.73 feet to a point;

THENCE North 09 degrees 28 minutes 30 seconds West for a
distance of 251.13 feet along the maintenance buildings on the Wolf
Creek Golf Course to a point;

THENCE North 82 degrees 05 minutes 41 seconds East for a

2003Z-0098

distance of 85.96 feet along the cart path on Green 18 of Wolf Creek Golf Course to a point;

THENCE North 34 degrees 12 minutes 53 seconds East for a distance of 209.04 feet along the cart path on Green 18 of Wolf Creek Golf Course to a point;

THENCE North 77 degrees 28 minutes 48 seconds East for a distance of 426.75 feet along Green 9 of Wolf Creek Golf Course to a point;

THENCE South 00 degrees 55 minutes 37 seconds West for a distance of 1191.07 feet along the Georgia Power Easement to an IPF ½" OT pipe at the intersection of land lots 120, 121, 128, and 129;

THENCE North 89 degrees 04 minutes 20 seconds West for a distance of 275.00 feet across the Georgia Power Easement to a point;

THENCE South 00 degrees 55 minutes 37 seconds West for a distance of 2090.08 feet along the Georgia Power Easement to a point;

THENCE South 67 degrees 14 minutes 39 seconds West for a distance of 489.43 feet along Camp Creek to a point;

THENCE North 00 degrees 40 minutes 58 seconds East for a distance of 2286.70 feet to the TRUE POINT OF BEGINNING;

RECEIVED

JUN 24 2003

DEPT. OF ENV. & NAT. RES.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 67.17 acres more or less.

2003Z-0098

03-1101 PETITION #2003Z 0101 FCS, CAMPBELLTON FAIRBURN ROAD
- APPLICATION OF D. H. MCDOWELL, SEEKS A REZONING

REGULAR MEETING, SEPTEMBER 3, 2003

186

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 6:40 p.m. Presentation: Comprehensive Plan and Future Land Use (CDRA)

DATE: October 25, 2022

SUBJECT: 6:40 p.m. Presentation: Comprehensive Plan and Future Land Use (CDRA)

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
COSF Comp Plan Presentation FY 2022	Cover Memo	10/21/2022

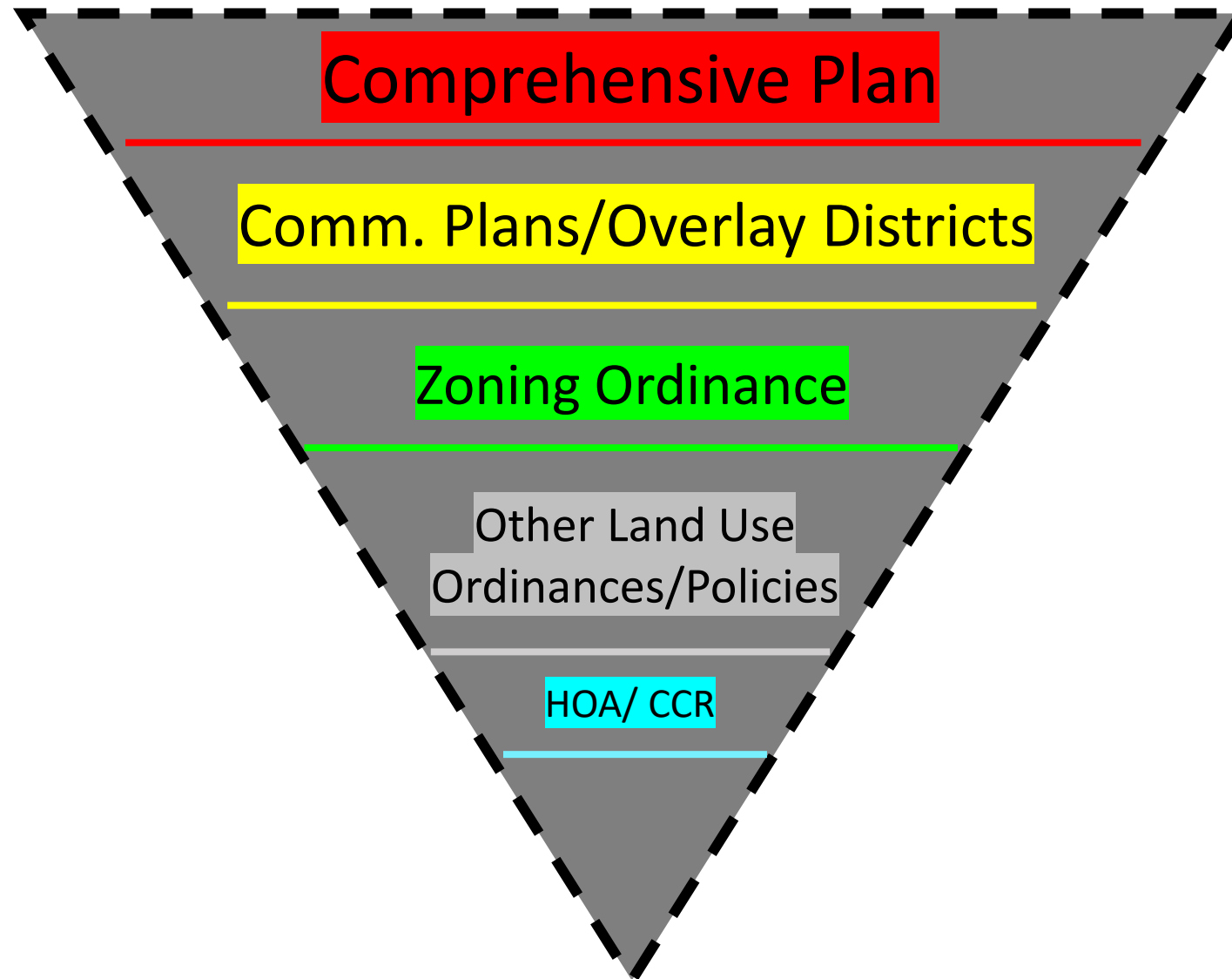
City of South Fulton Community Development Department

COSF Comprehensive Plan Presentation

Derek R. Hull
Director



Hierarchy of Land Use Policy Documents



Comprehensive Planning in GA

- Stated regulations for Comp. Plans govern by the GA Dept. of Community Affairs (Chapter 110-12-1-.01)
- Plans reflect an important state interest: healthy and economically vibrant cities and counties are vital to the state's economic prosperity
- Local benefits: Fact base resource for local constituents that track implementation of community-based policies; creates an environment of predictability for business and industry, investors, property owners, taxpayers and the general public; helps local gov. to recognize and then implement important Econ. Development and revitalization initiatives.



General Requirements:



- 110-12-1-.02 Requirements. O.C.G.A. 50-8-1 et seq gives the Department authority to establish standards and procedures for comprehensive planning by all local governments in Georgia.
- Those standards and procedures, emphasize preparation of plans that help each local government address its immediate needs and opportunities while moving toward realization of its long-term goals for the future.
- In order to maintain qualified local government certification, and thereby remain eligibility for selected state funding and permitting programs, each local government must prepare, adopt, maintain, and implement a comprehensive plan as specified in these standards.

Required Elements:

Plan Element	Required for	Recommended for	Specifics at
Community Goals	All local governments		110-12-1-.03 (1)
Needs and Opportunities	All local governments		110-12-1-.03 (2)
Community Work Program	All local governments		110-12-1-.03 (3)
Capital Improvements Element	Governments that charge impact fees		110-12-1-.03 (4)
Economic Development Element	Communities included in Georgia Job Tax Credit Tier 1	Communities seeking improved economic opportunities for their citizens	110-12-1-.03 (5)
Land Use Element	Communities with zoning or equivalent land development regulations that are subject to the Zoning Procedures Law	Communities that: • Are considering new land development regulations • Include Target Areas in their comprehensive plan • Wish to improve aesthetics of specific areas or protect the character of specific parts of their community	110-12-1-.03 (6)
Transportation Element	Portions of a local government's jurisdiction that are included in a Metropolitan Planning Organization	Communities: • With automobile congestion problems in selected areas • Interested in adding alternative transportation facilities for bicyclists, pedestrians, public transportation users	110-12-1-.03 (7)

		• That may have too much or too little parking in specific areas	
Housing Element	HUD CDBG Entitlement Communities required to have a Consolidated Plan	Communities with: • Concentrations of low-quality or dilapidated housing • Relatively high housing costs compared to individual/family incomes • A jobs-housing imbalance	110-12-1-.03 (8)

Recommended Additions:

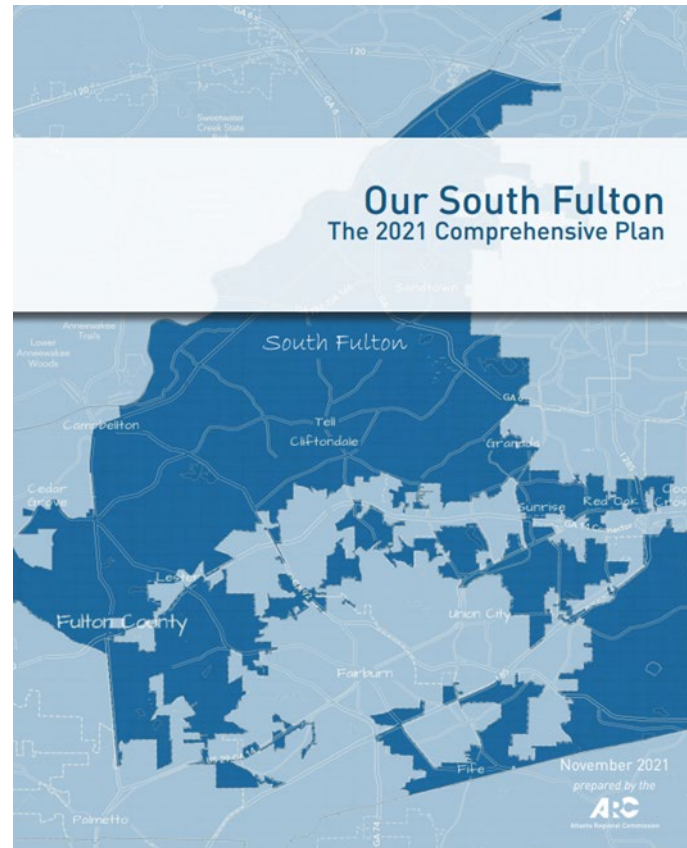
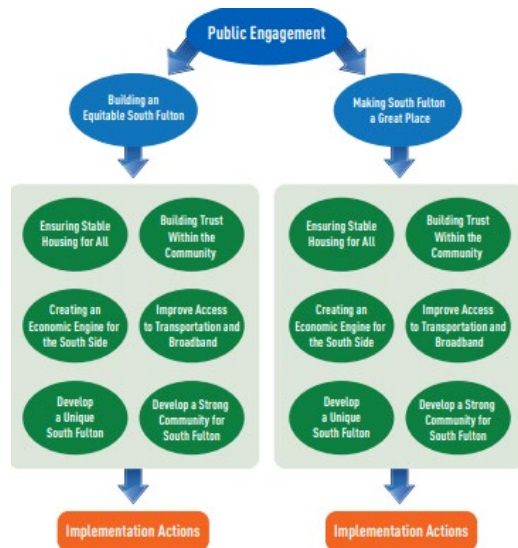
- Health Element
- Parks and Recreation Element

COSF 2021 Comprehensive Plan:

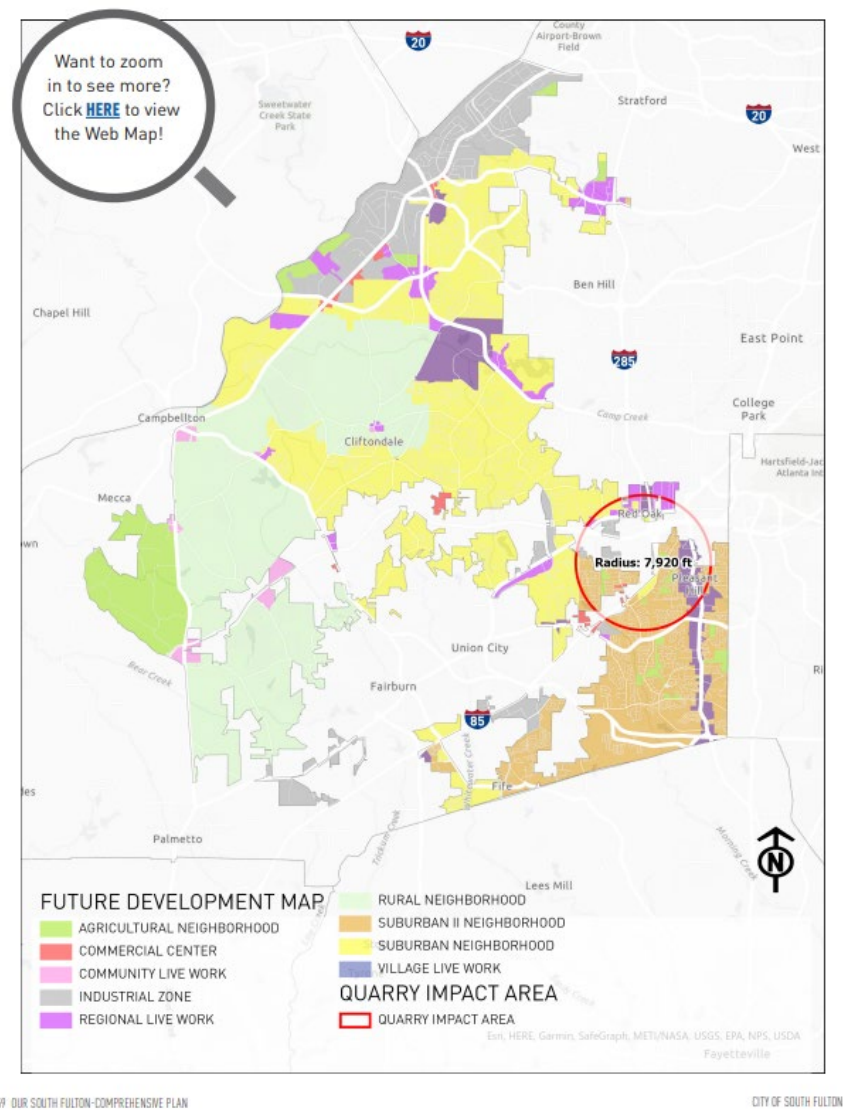
(a) Community Vision and Goals

(b) Community Work Plan

(c) Future Land Use Map

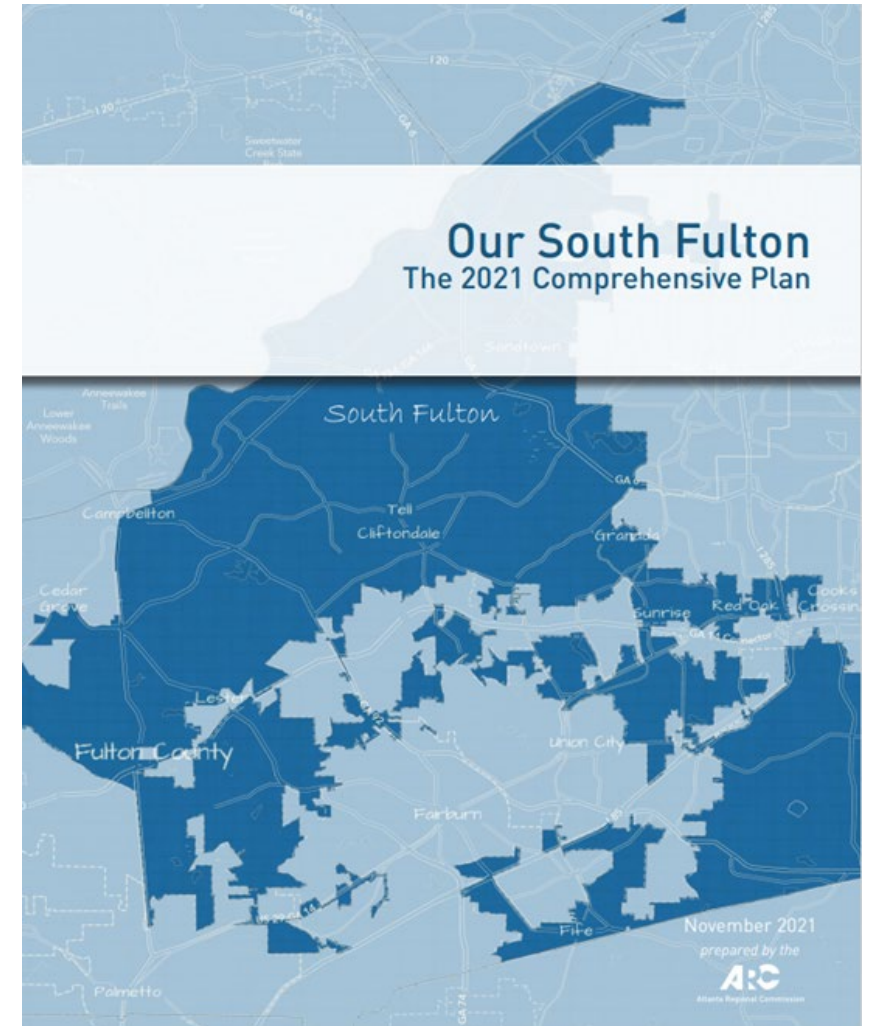


Future Land Use Map:



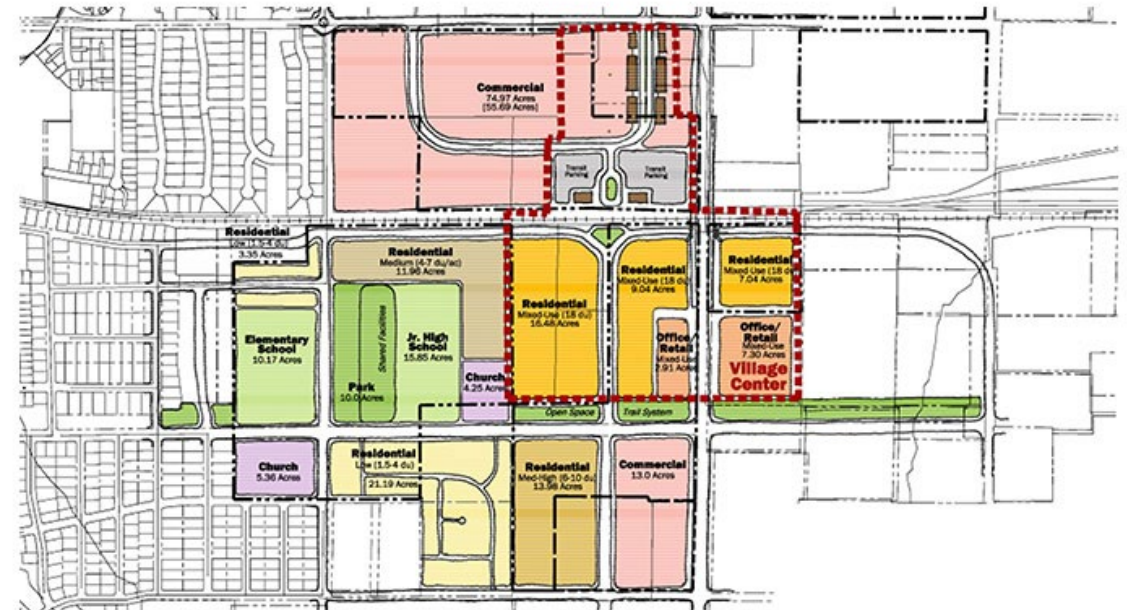
Proposed Update 2021 Comprehensive Plan:

- | | |
|--|------------------------|
| (a) Assess Best Elements of 2021 Comp. Plan | Dec. 2022 |
| (b) Identify Key Stakeholders | Jan. 2023 |
| (c) Establish Citywide Community Meetings Calendar | Jan. 2023 |
| (d) Conduct Participation Program | Feb. – May 2023 |
| (e) Synthesize Community Input and Formulate Policies and
Community Work Plan | June – Aug. 2023 |
| (f) Prepare Draft Revisions | Sept. 2023 – Oct. 2023 |
| (g) Incorporate Final Changes | Oct. 2023 |
| (h) Publish for Public Review and City Council Consideration | Dec. 2023 |



Additional Land Use Considerations:

1. Comprehensive Plan Amendments for Land Use Designations
2. Consistency btw. Comp. Plan and Zoning Ord.
3. Zoning District Assignments –Parcels
4. Zoning Ordinance Text Amendments
5. Amendments to Comply with Fed./State Laws
6. Best Practices in Land Use
7. Spot Zoning Prohibition
8. Restrictive Areas



Thank
You!



GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 6:55 p.m. Resolution: Temporary Moratorium on Bars and Clubs in the Red Oak Historic District

DATE: October 25, 2022

SUBJECT: 6:55 p.m. Resolution: Temporary Moratorium on Bars and Clubs in the Red Oak Historic District

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Red Oak District Staff Report Temp_ Moratorium	Cover Memo	10/21/2022
Red Oak moratorium Resolution edits rm2	Cover Memo	10/21/2022
Red Oak Historic District Map	Cover Memo	10/21/2022

GOVERNMENT OF THE CITY OF SOUTH FULTON



khalid kamau
MAYOR

TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Tammi Saddler Jones, City Manager
FROM: Derek R. Hull, Director of Community Development
DATE: October 17, 2022
SUBJECT: Temporary Moratorium for Bars and Clubs in Red Oak Overlay District. (District 3)

Background

The Red Oak Overlay District was approved by City Council on Dec. 21, 2022, as part of a series of text amendments to the Zoning Ordinance. The purpose and intent as outlined is the resolution for the Red Overlay District is to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of sites, buildings, structures, streets, neighborhoods, and landscape features in the District. There are three guiding principles for the Red Oak Overlay District:

- This District encourages increased pedestrian activity, opportunities for diversifying land uses, and vehicular access to the district. The District is tied together by urban design features, such as lighting, coordinated signage, landscaping, as well as architectural compatibility requirements.
- This Red Oak Overlay District is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.
- This District also seeks to promote design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, to stimulate business and promote economic development.

The establishment of Red Oak started around 1849 and was born out of the construction of Atlanta & LaGrange Railroad. Located between the cities of College Park and Fairburn, the name “Red Oak” is believed to be derived from a red oak tree that stood at the postal stop and the first post office location within the community.

The Red Oak Overlay District is generally bounded by Will Lee Road and Welcome All Road to the north, South Fulton Parkway to the south, I-285 to the east, and Jaillette Road to the west. **(Exhibit A)**. While land uses vary within the community, Red Oak Village, a neighborhood shopping center, is located in the center of the community along Roosevelt Highway. Its main anchor is Wayfield Foods, a local grocer. Other retail establishments in Red Oak Village include fast food chain restaurants (Domino’s and Subway), personal grooming services (beauty salon and barber shop), professional services (tax preparations and cell phone service) and the local post office.

There are other notable land uses along Roosevelt Highway. Manheim is a large auto auction company located on the north and south sides of Roosevelt Highway. The community is serviced by several area churches, an educational and cultural center and an animal hospital that provide services to area residents. A new townhome development was recently completed in the community, and it marks one of the first new residential developments in more than thirty years. Job Corps is constructing a new \$50 million facility near I-285 and Roosevelt Highway. The development will serve 272 residential and 200 non-residential students and employ 120 staff members. Participants must meet income requirements. Beyond an education and trade, they will receive free room and board, clothing, a living allowance, healthcare, childcare, books and supplies.

With the adoption of the City’s Comprehensive Plan in December 2021, the Community Development Department will spearhead efforts to address future and desirable land uses for communities like the Red Oak Overlay District. With the recent closure of the Burn Lounge, the neighborhood’s only bar, it is appropriate to conduct a needs assessment for the area to determine the highest and best uses for Red Oak. Within the community, there are several historic structures and sites, and these locations can be used as catalysts for “reimaging” the community by reflecting on its past:

- The Sloan House, originally built in 1920, is a craftsman’s home that is currently owned by the City of South Fulton.
- The Historic Red Oak Cemetery was originally established as the Mims Cemetery. Several notable historical figures are buried in Red Oak Historic Cemetery.
- Roosevelt Drive-In Movie Theater opened September 1, 1950, with Randolph Scott in “The Nevadan”, the 500-car capacity. It frequently showed sci-fi and horror movies during the 1950’s and 1960’s, as well as generous helping of lighter family fare. It was closed in 1982.
- Historic Red Oak Fire Station was constructed shortly after a fire committee organized in the community of Red Oak to establish a Fire District.

- Historic Red Oak Church was first organized in 1870. After 120 years, the church was reestablished as the New Life AME Zion Church.
- Chapman Mausoleum is the mausoleum for John Chapman who was a world famous cyclist who made a career professionally racing bicycles. A resident of Red Oak when he was discovered, he returned home after he retired.

Source: <https://www.redoakdistrict.com/historic-sites>

Analysis

The City of South Fulton has issued temporary moratoriums to conduct analyses of preferred land uses. These initiatives often involve hosting a series of community meetings, conducting SWOT Analysis (Strengths, Weaknesses, Opportunities, and Threats), examining community demographic data and formulating policy recommendations to achieve highest and best uses for the area.

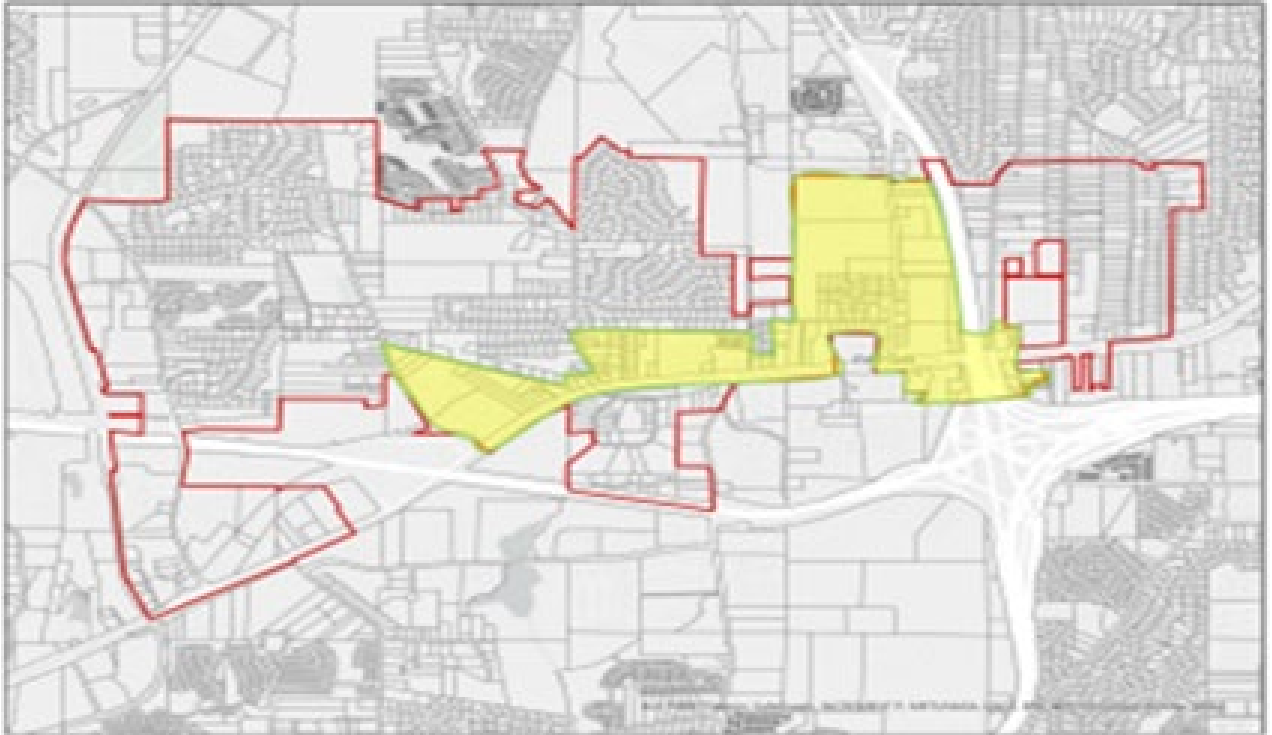
The Red Oak Overlay District is positioned to undergo a comprehensive study and restricting certain uses while the study is underway should be explored. Bars and clubs may compromise the overall quality of life for nearby residents, so an assessment is needed to determine if these and other uses are desired in the community. Engaging community stakeholders on the overall vision for the area will afford residents and business owners with opportunities to reimagine a range of development concepts. These efforts should result in developing design standards and identifying branding and marketing concepts while building on Red Oak's historic uniqueness. In accordance with previous City initiated moratoriums, staff recommends a temporary moratorium on all bars and clubs within the Red Oak Overlay District for a period of 120 days. This will allow staff sufficient time to conduct community outreach sessions, collect and synthesize data, and provide recommendations for a community plan.

Staff Recommendations

Implement a 120-day moratorium to allow staff enough time to conduct a community planning study for the district.

Exhibit A

Red Oak Overlay District



- Red Oak Historic District
- Red Oak Business District

A RESOLUTION BY THE CITY OF SOUTH FULTON IMPOSING A MORATORIUM ON THE ACCEPTANCE OF ANY BUSINESS LICENSE APPLICATION, ZONING APPLICATION, BUILDING PERMIT APPLICATION, OR SPECIAL USE PERMIT APPLICATION OR RETAIL CONSUMPTION ON PREMISES ALCOHOL LICENSE APPLICATION FOR ANY NEW BAR, NIGHTCLUB, PRIVATE CLUB, OR LOUNGE WITHIN THE GENERAL BOUNDARIES OF THE RED OAK OVERLAY DISTRICT IN THE CITY OF SOUTH FULTON AND FOR ANY OTHER LAWFUL 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, the City has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, peace and the general welfare of the City of South Fulton;

WHEREAS, pursuant to Section 6.13 of the City Charter, the City's regulatory power allows for, among other things, to establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate;

WHEREAS, the Red Oak Community Overlay District has been identified as a unique district within the City with specified building and design regulations, as identified in Section 514 of City Code;

WHEREAS, the Red Oak overlay district requires a land use analysis to determine highest and best uses for the planning area;

WHEREAS, the Mayor and City Council the City desires a limited amount of time to conduct a zoning review of the Red Oak overlay district and the use of parcels within this district as bars, nightclubs, or private clubs;

WHEREAS, the Red Oak overlay District is generally bounded by I-285 to the east, Roosevelt Highway and Old Fairburn Road to the South and South Fulton Parkway to the west;

WHEREAS, it is necessary to impose a moratorium to maintain the status quo while the zoning review is completed and while any rezoning ordinance is passed;

WHEREAS, it is in the interest of the public health, safety and general welfare of the City's citizens to ensure the City complies with the State of Georgia's Zoning Procedures Law;

WHEREAS, moratoria are a well-recognized and court-sanctioned land use tool in furtherance of local planning and zoning powers by preserving the status quo while the governing authority formulates a more permanent development strategy. Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002); City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001);

WHEREAS, the Mayor and City Council find that a one hundred and twenty (120) day period of time to assess existing land use conditions, engage community stakeholders, collect and synthesize demographic data and develop policy recommendations is a reasonable period of time.

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

Section 1. A moratorium is imposed on, and the Director of the Department of Community Development and Regulatory Affairs of his designee, and the Finance Director or her designee, shall not accept any new applications after the effective date of this Resolution, according to Section 3.21 of the City of South Fulton Code of Ordinances, for any business license, occupation tax certificate, rezoning, building permit application, land disturbance permit, or special use permit from any entity operating or seeking to operate a bar (as defined in Section 6-1003, and Section 904.02 of City Code), nightclub (as defined in Section 904.14 of City Code), private club (as defined in Section 904.16 of City Code), lounge (as defined in Section 16-7004 of City Code), billiard or pool hall, or an arcade or game room, or any application for a retail on premises alcohol license.

Section 2. This moratorium shall apply to any related category or type of business which may not be specifically defined in City Code, including but not limited to, taverns, cocktail lounges, and cabarets, as well as businesses which may be prohibited by other ordinances, including, but not limited to, cigar lounges and hookah lounges.

Section 3. This moratorium shall apply to all parcels within the Red Oak Community Overlay District, as defined by a boundary map contained in Section 514.01 of the Code of the City of South Fulton.

Section 4. During the period within the moratorium, the Mayor and City Council shall study and consider land use designations for Red Oak Overlay District.

Section 5. The moratorium does not apply to any existing business.

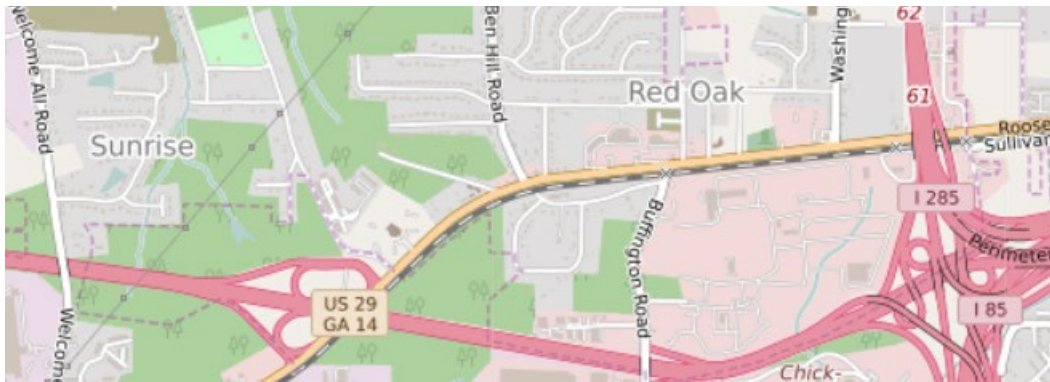
Section 6. The moratorium imposed by this Resolution will expire one hundred and twenty (120) days from the date this ordinance becomes effective. Notwithstanding the foregoing, if there is a final vote of the City Council on a rezoning ordinance regarding the allowance of the foregoing uses within the Red Oak Overlay District before the expiration of the one hundred and twenty (120) days, the moratorium will expire on the date when the rezoning ordinance becomes effective or when the City Council votes to deny the rezoning ordinance.

Section 7. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this resolution or moratorium, but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.

[Signatures and Voting Tabulation Appears on a Separate Page]

Exhibit A

Red Oak Historic District



GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:00 p.m. Second Read and Request Council Approval of An Ordinance Amending the City Council District Maps Due to Reapportionment As A Result of the 2020 Census

DATE: October 25, 2022

SUBJECT: 7:00 p.m. Second Read and Request Council Approval of An Ordinance Amending the City Council District Maps Due to Reapportionment As A Result of the 2020 Census

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance - Redistricting (RM9.23.22)	Cover Memo	10/21/2022
Exhibit A - SouthFultonCC-2022 (2)	Cover Memo	10/21/2022
Exhibit B - SouthFultonCC-2022	Cover Memo	10/21/2022
Redistricting Advertisement(1)	Cover Memo	10/21/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-_____

AN ORDINANCE ADOPTED BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, GA. L. 1965, P. 298, ET SEQ., O.C.G.A. § 36- 35-3(1)(B), AS AMENDED, AND AS AUTHORIZED BY FURTHER AUTHORITY OF O.C.G.A. § 36- 35-4.1, SO AS TO AMEND SECTION 2.11(C) OF THE CHARTER OF THE CITY OF SOUTH FULTON, GEORGIA, GA. L. 2016, P. 3726, ET SEQ, AS AMENDED, BY STRIKING APPENDIX B THERETO RELATING TO THE CITY COUNCIL DISTRICTS AND INSERTING IN LIEU THEREOF A NEW APPENDIX B ADOPTING THE NEW OFFICIAL COUNCIL DISTRICTS MAP IDENTIFIED AS MAP 8, AS AMENDED, WITH RELATED POPULATION SUMMARY REPORT, AND A PLAN COMPONENTS REPORT (OUTLINING VOTING TABULATION DISTRICTS/VTDS); AND FOR OTHER LAWFUL 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 duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

WHEREAS, Article II, Section 2.11(c) of the Charter of the City of South Fulton, Georgia (Ga. L. 2016, p. 3726, et seq.), as amended, sets forth that the City of South Fulton shall consist of seven (7) council districts; and

WHEREAS, Appendix B to Charter Section 2.11 describes the boundaries of said City Council Districts; and

WHEREAS, O.C.G.A. § 36-35-4.1 authorizes the City Council to amend the Charter of the City of South Fulton by ordinance to reapportion/redistrict its election districts following publication of the U.S. Decennial Census; and

WHEREAS, following the 2022 decennial census the, the City of South Fulton did receive assistance from the Office of Reapportionment for the State of Georgia; and

WHEREAS, in order to comply with the "one man one vote" principle, it is necessary to maintain the population of election districts in relatively equal numbers, and the map adopted by this ordinance is in substantial compliance with that principle; and

WHEREAS, the reapportionment/redistricting of Council Districts shall be effective for the election of members to the City Council at the next regular general municipal election; and

WHEREAS, a notice of the proposed Charter Amendment, authorized by the General Assembly pursuant to O.C.G.A. § 36-35-3 was published in the Legal Organ for the City of South Fulton for each of 3 weeks within 60 days of the final action on this ordinance; and

WHEREAS, the Mayor and City Council of the City of South Fulton finds that this Ordinance is in the best interest of the public health, safety, and welfare.

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

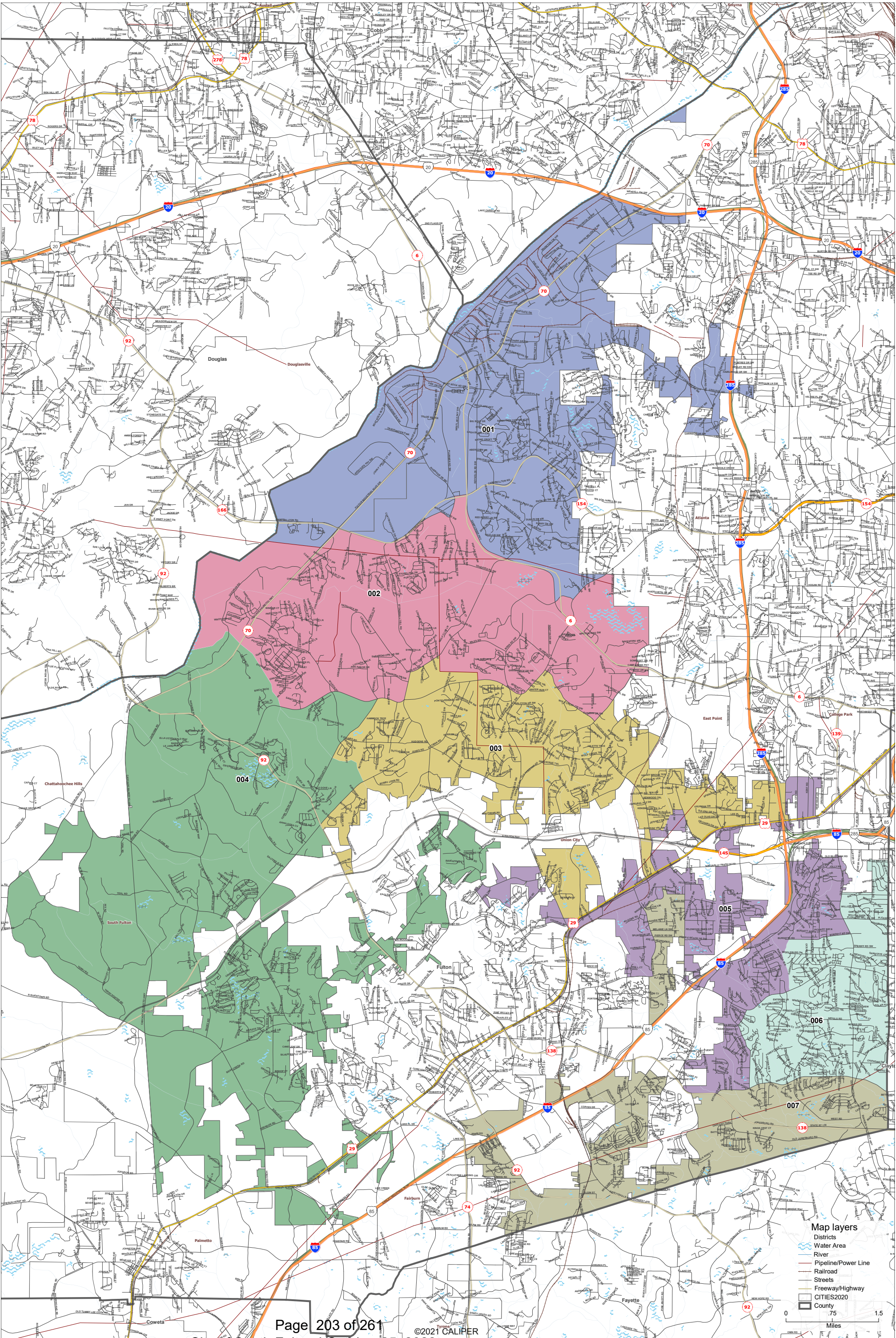
Section One: That the boundaries of the South Fulton City Council districts be redistricted/reapportioned in accordance with O.C.G.A. § 36-35- 4.1 and the 2020 United States Decennial Census as shown on the new official Council Districts Map (attached hereto as Exhibit "A" and made a part hereof).

Section Two: That the reapportionment of districts shall be effective for the election of members to the City Council at the next regular general municipal election following the approval of this Ordinance.

Section Three: That the existing boundary descriptions of Council Districts 1 through 7 as identified in Charter Section 2.11 and as specifically described and set forth in Appendix B to the Charter of the City of South Fulton be hereby deleted in their entirety and that the new boundary descriptions (attached hereto as Exhibit B and made a part hereof) be inserted in lieu thereof as Appendix B to the Charter, as required by O.C.G.A. § 36-35-4.1(b).

Section Four: A copy of this proposed amendment to the Charter of the City of South Fulton, Georgia 2016 Ga. L. (Act No. 421), p. 3726, et seq. as amended, shall be filed in the Office of the Municipal Clerk and the offices of the Clerk of the Superior Courts of Fulton County, and that "Notice of Proposed Amendment to Charter of the City of South Fulton, Georgia" (attached hereto as Exhibit "C" and made a part hereof), be published in the official organ of the county of the legal situs of the City of South Fulton or in a newspaper of general circulation in the City of South Fulton once a week for three weeks within a period of 60 days immediately preceding its final adoption, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the South Fulton City Council.

Proposed City of South Fulton Districts



Population Summary

Friday, September 23, 2022

3:26 PM

Summary Statistics:

Population Range:	15,008 to 16,058
Ratio Range:	0.07
Absolute Range:	-428 to 622
Absolute Overall Range:	1,050
Relative Range:	-2.77% to 4.03%
Relative Overall Range:	6.80%
Absolute Mean Deviation:	298.29
Relative Mean Deviation:	1.93%
Standard Deviation:	350.88

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_Blkl	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	15,016	-420	-2.72%	12,017	80.03%	1.43%	93.3%	2.01%	0.33%	0.25%	0.05%	0.49%	2.15%
002	16,058	622	4.03%	11,989	74.66%	2.22%	91.7%	2.42%	0.39%	0.07%	0.02%	0.5%	2.68%
003	15,667	231	1.50%	11,931	76.15%	3.19%	91.08%	2.3%	0.27%	0.1%	0.05%	0.5%	2.51%
004	15,586	150	0.97%	11,975	76.83%	8.09%	83.4%	4.09%	0.56%	0.17%	0.01%	0.71%	2.97%
005	15,242	-194	-1.26%	11,385	74.69%	2.01%	90.43%	3.63%	0.54%	0.19%	0.03%	0.8%	2.36%
006	15,479	43	0.28%	11,713	75.67%	2.07%	90.73%	3.81%	0.28%	0.1%	0.03%	0.98%	2%
007	15,008	-428	-2.77%	11,006	73.33%	3.04%	88.09%	4.7%	0.61%	0.08%	0.03%	0.75%	2.69%

Total: 108,056

Ideal District: 15,436

User: South Fulton
Plan Name: SouthFultonCC-2022
Plan Type: Local

District 001
County Fulton GA
VTD 09B
Block 008202:
4002 4003
VTD 11B
Block 007809:
2009 2010 2011 2012 2015 2016 2017 2018 3000 4001 4002
VTD SC01A
VTD SC01B
Block 010306:
2001 2002
VTD SC01C
VTD SC01D
VTD SC02
VTD SC14A
VTD SC14B
Block 007805:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1039 1040 1041
2001 2002 2004 2010 3013 3017 3018 3019 3020 3021 3022 3023
3024 3025 3026 3027 3028 3029 3030 3031 3032
Block 010312:
2000
VTD SC15
Block 010311:
1000 1001 1002 1003 1004 1005 1006 1007
VTD SC16A
VTD SC16B
VTD SC30A
VTD SC30B

District 002
County Fulton GA
VTD SC01B
Block 010305:
2012
Block 010306:
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 2000 2003 2004 2005 2006 2007 3000 3001 3002 3003
3004 3005 3006 3011
VTD SC15
Block 010310:
2000 2001 2002 2003 2004 3000 3001 3002 3003 3004 3005 3006
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NOTICE OF PROPOSED AMENDMENT TO THE SOUTH FULTON CITY CHARTER

Notice is hereby given that an Ordinance (Ord2022-) has been introduced to amend the Charter of the City of South Fulton (Ga. Laws, 2016, p. 3726, et seq.) approved April 26, 2016, as amended, said Ordinance being captioned as follows:

AN ORDINANCE ADOPTED BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, GA. L. 1965, P. 298, ET SEQ., O.C.G.A. § 36- 35-3(1)(B), AS AMENDED, AND AS AUTHORIZED BY FURTHER AUTHORITY OF O.C.G.A. § 36-35-4.1, SO AS TO AMEND SECTION 2.11(C) OF THE CHARTER OF THE CITY OF SOUTH FULTON, GEORGIA, GA. L. 2016, P. 3726, ET SEQ, AS AMENDED, BY STRIKING APPENDIX B THERETO RELATING TO THE CITY COUNCIL DISTRICTS AND INSERTING IN LIEU THEREOF A NEW APPENDIX B ADOPTING THE NEW OFFICIAL COUNCIL DISTRICTS MAP IDENTIFIED AS MAP 8, AS AMENDED, WITH RELATED POPULATION SUMMARY REPORT, AND A PLAN COMPONENTS REPORT (OUTLINING VOTING TABULATION DISTRICTS/VTDs); AND FOR OTHER LAWFUL PURPOSES.

A copy of the proposed Ordinance and Charter Amendment is on file in the Office of the City Clerk of the City of South Fulton and in the offices of the Clerk of the Superior Court of Fulton County, Georgia for the purpose of examination and inspection by the public.

This _____ day of _____, 2022

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:10 p.m. Council Approval of An Emergency Ordinance Declaring A State Of
Emergency In The City Of South Fulton; Providing For City Meetings To Be Held
Virtually; Providing For An Effective Date

DATE: October 25, 2022

SUBJECT: 7:10 p.m. Council Approval of An Emergency Ordinance Declaring A State Of
Emergency In The City Of South Fulton; Providing For City Meetings To Be Held
Virtually; Providing For An Effective Date

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ord2021_State_of_Emergency_Ordinance__Virtual_Meetings_vdh_edits_051822	Cover Memo	10/21/2022

AN ORDINANCE DECLARING A STATE OF EMERGENCY IN THE CITY OF SOUTH FULTON; PROVIDING FOR CITY MEETINGS TO BE HELD VIRTUALLY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Catherine Rowell - District 1)

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 duly elected governing authority of the City is the Mayor and Council thereof ("City Council"); and

WHEREAS, the World Health Organization has declared the COVID-19 Virus, commonly referred to as the Coronavirus, as a world health emergency and global pandemic; and

WHEREAS, the Coronavirus has various mutations and/or variants that continue to effect vaccinated and unvaccinated individuals across the nation, including Georgia and its surrounding counties and cities; and

WHEREAS, the Centers of Disease Control ("CDC") and the Georgia Department of Public Health ("DPH") collects, analyzes and tracks Covid-19 data in various categories, e.g., confirmed cases, hospitalizations, deaths by race and ethnicity,

WHEREAS, it is known that the COVID-19 Virus and its variants can have a disproportionate impact on certain races and ages than other race or age groups; and

WHEREAS, the global pandemic caused by the spread of COVID-19 persists with the new variants (e.g., Omicron) of the virus currently infecting Georgians; and

WHEREAS, according to the Georgia Department of Public Health, a large portion of Georgians are not fully vaccinated; and

WHEREAS, it is essential for the City to continue to act in order to minimize the spread of COVID-19 and its variants so as to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this continued public health crisis;

WHEREAS, the City is authorized to declare an emergency and take measures to protect the life, health, property, or public peace of its citizens pursuant to Section 3.18 of its Charter; and

WHEREAS, O.C.G.A. §38-3-28 provides the City with the authority to make, amend, and rescind such orders, rules, and regulations as necessary for emergency

management purposes to preserve the health, safety, and welfare of the residents of the City; and

WHEREAS, the Open Meetings Act, O.C.G.A. § 51-14-1 *et seq*, allows public agencies, such as the City, to conduct their meetings, via, teleconference in the event of an emergency; and

WHEREAS, the COVID-19 as a previously recognized pandemic or epidemic still constitutes an emergency within the meaning of the Open Meetings Act; and

WHEREAS, The state of Georgia Governor's executive order declaring a Public Health State of Emergency which provided for City Meetings to be conducted virtually has expired; and

WHEREAS, the City had previously adopted an emergency ordinance that only remains in effect for only 30 days; and

WHEREAS, the City Council desires to adopt this emergency ordinance to continue to provide for City Meetings to remain virtual to aid in the prevention and the potential spread of the COVID-19 and its variants (e.g., Omicron) at City meetings, which are staffed and attended by its elected officials, employees, and citizens; and

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

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

Section 1. Declaration of Emergency. The City Council hereby declares that a public health state of emergency remains in the City of South Fulton due to a pandemic or epidemic.

Section 2. City Meetings. All meetings of any Board, Commission, Authority, or the City Council shall continue to be held by virtual means, to include the use of the Zoom platform with concurrent live streaming of the proceedings on YouTube. Public comments will be received through Zoom in addition to written comments submitted to the City as provided on the City's website. In all other respects, the meetings will be conducted as though they were in person and held at City Hall.

Section 3. Effective Date. This Ordinance shall take effect upon passage by the City Council and shall expire by its own terms 30 days after its adoption, unless extended by further action of the City Council.

Section 4. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable, and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence,

clause, or phrase of this Ordinance. No section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

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

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 6. The City Attorney, City Clerk are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:15 p.m. Request Approval of Recommended Amendments to the City of South Fulton Convention and Visitors Bureau (CVB) Bylaws (Economic Development)

DATE: October 25, 2022

SUBJECT: 7:15 p.m. Request Approval of Recommended Amendments to the City of South Fulton Convention and Visitors Bureau (CVB) Bylaws (Economic Development)

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Amended Bylaws Amended Resolution for SF CVB original edit for city council 10052022	Cover Memo	10/21/2022
Summary of adjustments of CVB Bylaws Artie 10052022	Cover Memo	10/21/2022

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

RES2022-____

4
5
6 A RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, TO PROMOTE
7 TOURISM AND DEVELOPMENT; TO SUPPORT THE SOUTH FULTON
8 CONVENTION AND VISITORS BUREAU; TO APPROVE ADOPTION OF THE FIRST AMENDED
9 BYLAWS; AND FOR OTHER LAWFUL PURPOSES
10

11
12 (Sponsored by Councilwoman Willis)

13
14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
18 Council thereof ("City Council");
19

20 **WHEREAS**, pursuant to state law, O.C.G.A. § 48-13-50 et seq., the City is
21 authorized to adopt clearly reasonable ordinances, resolutions, or regulations relating to
22 its property, affairs, and local government for which no provision has been made by
23 general law and which are not inconsistent with the Constitution or any charter provision
24 applicable thereto;
25

26 **WHEREAS**, Pursuant City Resolution 2019-047 the City Council and the City
27 incorporated and empowered the South Fulton Convention and Visitors Bureau ("CVB");
28

29 **WHEREAS**, the City wishes to adopt certain proposed amendments to the bylaws for the
30 CVB;
31

32 **WHEREAS**, the existing Bylaws, under Article XII, Section 2, require that the City Council
33 approve any proposed amendments to the same;

34 **WHEREAS**, the City Council finds this Resolution to be in the best interest of the
35 City, its residents and the general public.
36

37 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF SOUTH FULTON,**
38 **GEORGIA, HEREBY RESOLVES:**
39

40 **a. Bylaws.** The bylaws which shall govern the CVB are hereby adopted as

41 attached hereto.

CITY OF SOUTH FULTON CONVENTION & VISITORS BUREAU, INC.



First Amended Bylaws

ARTICLE I — GENERAL

Section 1 — Organization Name

The name of the corporation shall be the **City of South Fulton Convention and Visitors Bureau, Inc.**, hereafter referred to as CVB.

Section 2 - Purpose

The intent of the CVB shall be the attraction of overnight tourists, visitors and individuals; to solicit groups, conventions, meetings, trade shows, exhibits, sports tournaments, expositions and special events to convene and take place in the City of South Fulton through advertising, sales contracts, publications and distribution of descriptive material and such other means as may be necessary or expedient to attract such tourists, visitors, individuals, groups, conventions, meetings, trade shows, exhibits, expositions, sports tournaments and special events to the City of South Fulton.

ARTICLE II - DIRECTORS

Section 1 - Responsibilities

The affairs of the CVB shall be under the management of a Board of Directors and such officers, agents, employees or committees as the Board may elect, employ or appoint.

Section 2— Board of Directors

The CVB will be governed by a Board of Directors consisting of **Twelve (12) members.** Appointment of Directors shall be in accordance with these Bylaws. The members of the Board of Directors shall be appointed by the City of South Fulton Council as follows:

Five (5) board members shall be selected from and represent the entertainment, sports, marketing or attractions in the City of South Fulton or for the benefit of the City. Each such appointee must hold at least the position of Manager, Vice President, **or** President as determined by the City Council in its discretion.

Three (3) board members shall be selected from and represent the lodging industry in the City. The City Council shall accept nominations from the hotel/motel industry and/or individual hotel or motel owners/operators prior to appointment of these Directors. Each such appointee must hold the position of Manager, General Manager or higher, as determined by the City Council in its discretion.

Three (3) board member shall be selected from among the restaurant/retail industry. Each such appointee must hold the position of Manager, General Manager or higher, as determined by the City Council in its discretion. The City Council shall accept nominations from the restaurant/retail industry prior to appointment of these directors.

One (1) board members shall be selected from the South Fulton Chamber of Commerce. Appointee must hold at least the position of President, CEO or Board Member as determined by the City Council in its discretion.

One (1) ex-officio board member (non-voting) shall be selected from and represent the City of South Fulton Economic Development department. The appointee must be the Director, or his designee as determined by the City Council in its discretion.

Section 3 — Tenure

Each Director shall serve for a term of four (4) years staggered terms.

Section 4 — Vacancies

Should any office become vacant, by reason of death, resignation, removal, disqualification or otherwise, the Directors may, at any meeting, recommend a successor or successors, subject to approval by City Council.

Section 5 — Powers

The Board of Directors shall be responsible for establishing operating policies for the CVB and for evaluating the progress of the CVB in the attainment of its goals. The Board of Directors shall have full and complete power to transact all business and manage the affairs of the CVB, to hire and fire individuals engaged by the Board to assist the CVB in its operations, to elect officers, to authorize the sale, conveyance, transfer, assignment, trade, exchange, lease, mortgage, otherwise encumber or pledge any property, real or personal, of the CVB.

Section 6 — Compensation

No assets of the CVB shall be used for the benefit of or be paid to any person who is a member, director, officer, or other private person, except that reasonable reimbursement may be allowed

for services rendered in furtherance of the goals of the CVB.

Section 7 — Records

All financial records and minutes of meetings of the Board of Directors, along with other valuable papers of the CVB, shall become permanent records of the CVB and shall always be kept securely in the offices of the CVB. Copies of these records may be made for any member of the Board of Directors or City Council at any time upon proper request.

Section 8 — Conflicts of Interest

Members of the Board of Directors and Executive Committee shall not participate in a vote or decision on a contract involving a business entity or real property in which the Director or his or her immediate family, (spouse, parent, parent-in-law, brother, brother-in-law, sister, sister-in-law, child, son-in-law or daughter-in-law or other persons living in the same residential dwelling unit of the Director) is a director, officer, employee or has a substantial interest if it is reasonably foreseeable that such action would confer an economic benefit on the business entity. Any such conflict of interest shall be disclosed by the Director and recorded in the minutes of the meeting where that action is taken.

ARTICLE III — OFFICERS

Section 1 - Elections

Officers of the Board shall be elected annually by the CVB Board at its regular December meeting, and shall hold office until the following Annual Meeting. Vacancies may be filled, or new offices created and filled at any meeting of the CVB Board.

Section 2 — Term of Office

Officers shall be elected for one (1) year at the December regular meeting of the Board of Directors. Term of office will begin at the annual meeting of the Board in January of each year. CVB officers may be elected to consecutive terms, not to exceed 3 consecutive terms per seat.

Section 3 — Removal

Any officer elected or appointed by the CVB Board may be removed by the CVB Board whenever, in its judgment, the best interests of the CVB Board will be served.

Section 4 — Vacancies

A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by the CVB Board of Directors by appointment for the balance of such officer's term.

Section 5 — Officers & Duties

The duties of the officers shall include but not be limited to:

President: Preside at general CVB meetings and at all meetings of the Board of Directors. Represent the CVB at any meeting, convention, or other gathering where the

interests of the CVB are at issue, or when so directed by the Board of Directors.

Vice President: Perform all duties of the President in his/her absence. In the event of death, resignation or retirement of the President, assume the duties of the president as

President Pro Temp for the remainder of the current term and supervise the appointment of a new Vice President. Represent the Board at the request of the President.

Secretary: Oversee the record keeping of the CVB's meetings and activities. Gather and distribute approved meeting minutes to CVB membership. Represent the Board at the request of the President.

Treasurer: Provide a full and accurate account of receipts and disbursements of the CVB that are kept in books belonging to the CVB. Sign all checks and drafts that are properly drawn on CVB funds. All checks require two signatures. Ensure all monies are deposited in the name of the CVB, in such depositories or safety vaults that may be designated by the Board of Directors. Represent the Board at the request of the President. Ensure that an annual audit is performed.

ARTICLE IV — MANAGEMENT

Section 1 — Administrative Support

The City of South Fulton City Managers Office shall provide administrative support for the CVB, if, and only to the extent, requested by the CVB Board.

Section 2— Executive Director

If the Board chooses to appoint an Executive Director, the Executive Director of the CVB shall be any individual that is appointed by the CVB Board and may be compensated in an amount to be set by vote of the Board of Directors. The Executive Director may be removed from their position by the Board. The duties of the Executive Directors shall be set by the Board.

Section 3 — Tourism Manager

If the Board chooses to appoint a Tourism Manager, the Tourism Manager shall work directly to support the efforts of the CVB. The Tourism Manager shall be any individual appointed by the Board of Directors and may be compensated in an amount to be set by the Board of Directors. The Tourism manager may be removed from their position by the Board. The duties of the Tourism Manager shall be set by the Board.

Section 4 – Other Employees & Independent Contractors

The Board of Directors are authorized to hire and compensate, and fire or remove, from time to time, any other individual(s) in roles that they deem appropriate and necessary for the proper operation of the CVB. Such additional individuals may be hired and/or removed from their position by a vote of the Board.

ARTICLE V — MEETINGS

Section 1 — Regular Meetings

Regular meetings of the CVB Board shall be held at a location and time as agreed to by the CVB Board members. All meetings shall be subject to Robert's Rules of Order and the Georgia's Open Meetings Act.

Section 2 — Special Meetings

Special meetings of the CVB Board may be called by the Executive Director or the CVB Board President. Notice thereof shall be provided pursuant to Georgia's Open Meetings Act

Section 3 — Annual Meeting

The Annual Meeting shall be held each January for the purpose of providing annual reports of the CVB and installation of newly elected officers.

Section 4 — Notice of Meetings

Notice of the time, place and matters to be considered and action taken for each meeting of the Board of Directors shall be posted as required by State law.

Section 5 - Quorum and Action

A majority of the duly appointed members of the Board of Directors shall constitute a quorum for the transaction of business. The affirmative vote of a majority (greater than 50%) of the Board present in person at a meeting at which a quorum is present shall be the act of the Board of Directors. In the event that a quorum is not present at any meeting, the Directors present may adjourn the meeting without further notice until a quorum can be properly assembled.

Section 6 — Attendance

Pursuant to three (3) consecutive absences or four (4) absences within a twelve-month period by any Director, the President of the Board of Directors shall call an Executive Committee meeting to review the attendance records of the Director. If, upon review, the Executive Committee determines there is insufficient circumstance to justify the absences of the Director it may recommend removal and replacement of the Director to the full Board of Directors. Upon majority vote of a quorum of the Board such a recommendation will be sent to the City Council for consideration and appropriate action. Telephonic or virtual attendance may be constituted as attendance upon prior approval by the President. Directors may not have two consecutive telephonic or virtual attendances or a total of three telephonic or virtual attendances annually.

Section 7 — Minutes

Written minutes shall be kept for each CVB meeting.

ARTICLE VI — COMMITTEES

Section 1 — Committees

Committees may be appointed by the President to advise and assist the CVB Board on issues or

projects of the CVB. The President shall appoint a Committee Chairperson and members of the committee. The Committee Chairperson shall call meetings on an as-needed basis.

Section 2 — Executive Committee

Annually, the Board of Directors shall designate an Executive Committee. Each member of the Executive Committee shall be a member of the Board of Directors. The Executive Committee shall include the President, Vice President, Secretary, Treasurer and one (1) other Board member, as determined by the Board of Directors.

The Executive Committee may only act in the absence of a quorum of the Board at a duly called and noticed Board meeting and then only on items contained on the published agenda. Any action taken by the Executive Committee shall be placed on the next regular agenda for ratification by the full Board or a quorum thereof.

The Executive Committee shall have and exercise all of the authority of the Board of Directors in carrying out and handling the business and affairs of the CVB except where action of the entire Board of Directors is otherwise specified by these Bylaws or applicable law. The Executive Committee shall be subject to the control and direction of the Board of Directors.

ARTICLE VII- MEMBERS

The CVB shall initially have one (1) class of members, consisting of the officers and members of the Board of Directors selected pursuant to Article II. Members shall have voting rights only in their capacities as members of the Board of Directors. The CVB reserves the right to create additional classes of members and to provide for the terms, rights and privileges thereof by amendment of these Bylaws.

ARTICLE VIII — ACCOUNTING AND BUDGET

Section 1 — Fiscal Year

The fiscal year of the CVB shall be January 1ST — December 31ST of each calendar year.

Section 2 — Accounting

The CVB will maintain separate accounts. All checks will require two signatures of authorized CVB personnel to include the President, Vice — President, Secretary and/or Treasurer.

Section 3 — Audit

The CVB will conduct an annual audit by a Certified Public Accounting firm.

ARTICLE IX — REPORTING

Section 1 — Meeting Reports

Meeting reports will be made to the City Council - approved meeting minutes and CVB board-

approved marketing reports will be sent to the City Council on a monthly basis.

Section 2 — Budget

The CVB shall submit to the City each year an annual budget based on anticipated revenues and expenses, copies of audited financial statements, and other statements as may from time to time be requested.

Section 3 - Workplan

At least annually, the CVB shall present its work plan detailing results or metrics from the previous year and its work plan for the coming year. Included in this report will be measurements covering, but not limited to the following areas: Hotel/Motel Tax receipts; visitor counts at welcome center locations; annual advertising expenditures; ratio of advertising dollars spent to documented leads; number of tour groups and associated statistics; number of conventions and meetings and associated statistics.

ARTICLE X — DISSOLUTION

Section 1- Procedure

The Board of Directors shall adopt a resolution recommending that the CVB be dissolved. Upon adoption of the resolution by the Board of Directors and approval thereof by the City Council, notice of dissolution shall be mailed to each known creditor and/or claimant against the CVB.

Section 2 - Distribution of Assets

The assets of the CVB shall be applied as follows: (1) all liabilities and obligations of the CVB shall be paid, satisfied and discharged; (2) assets held by the CVB upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements; (3) the remaining assets, if any, shall be distributed to the City, and all financial records and other documents and information held by the CVB shall be transferred to the City.

ARTICLE XI — INDEMNIFICATION

Section 1— Indemnification

The CVB shall indemnify each and every member of the Board of Directors, and authorized agents, against any and all liability or expense, including attorney's fees, incurred by any Director or agent by reason of any actions or omissions within the course and scope of the official duties that may arise out of the functions and activities of the CVB.

ARTICLE XII — AMENDMENTS TO BY-LAWS

Section 1 — Amendments

These Bylaws may be altered, amended or repealed by a majority vote of the quorum of the Board of Directors of the CVB at any annual, regular or special meeting of the Directors. At least ten (10)

days' notice of the meeting at which the proposed changes are to be considered shall be given to each Director by written notice.

Section 2— Council Approval

Such amendments to the By-Laws shall take effect upon approval by the City of South Fulton Council.

Summary of adjustments of CVB Bylaws

ARTICLE I — GENERAL

Section 1 — Organization Name

Name change from South Fulton Convention and Visitors Bureau, Inc. to the City of South Fulton Convention and Visitors Bureau, Inc.

ARTICLE II - DIRECTORS

Section 2— Board of Directors

CVB Board of Directors has been reduced from Thirteen (13) to Twelve (12) members.

Five (5) (Removing Director) Added: One (1) ex-officio board member shall be selected from and represent the City of South Fulton Economic Development department. Appointee must be the Director or the directors appointee within the Economic Development Department as determined by the City Council in its discretion.

ARTICLE IV — MANAGEMENT

Section 1 — Administrative Support

Changing the department of Economic Development shall provide all administrative support to the CVB to All administrative support for the CVB shall be provided by CVB staff and consultants.

Section 2— Executive Director

Changed the Executive Director of the CVB shall be the Economic Development Director or designated staff member housed in the Economic Development Department to “If the Board chooses to appoint an Executive Director, the

Executive Director of the CVB shall be any individual that is appointed by the CVB Board...”

Section 3 — Tourism Manager

The Tourism Manager shall work directly to support the efforts of the CVB. The Tourism Manager shall be an employee of the City of South Fulton and will report directly to the Economic Development Director changed to “If the CVB Board chooses to appoint a Tourism Manager, the Tourism manager shall work directly to support the efforts of the CVB. The Tourism Manager shall be any individual appointed by the CVB Board of Directors and maybe compensated in the amount set forth by the CVB Board of Directors.”

Section 4 – Other Employees & Independent Contractors

Added: The Board of Directors are authorized to hire and compensate, and fire or remove, from time to time, any other individual(s) in roles that they deem appropriate and necessary for the proper operation of the CVB. Such additional individuals may be hired and/or removed from their position by a vote of the Board.

ARTICLE — MEETINGS

Section 6 — Attendance

Added: Telephonic attendance may be constituted as attendance upon prior approval of the President. Directors may not have two (2) consecutive telephonic or virtual attendances or three (3) telephonic or virtual attendances annually.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:25 p.m. Request Approval of 2023 Legislative
Priorities

DATE: October 25, 2022

SUBJECT: 7:25 p.m. Request Approval of 2023 Legislative
Priorities

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
A. R. Long Company - City of South Fulton 2023 Legislative Agenda Final	Cover Memo	10/25/2022



CITY OF SOUTH FULTON

2023 Legislative Agenda

October 2022



Legislative Agenda Topics

- I. PadSplit
- II. Liquor License Renewal
- III. Road Renaming to Honor Congressman John Robert Lewis
- IV. Local Bonds on Referendum
- V. Strengthen Candidacy Requirements
- VI. Trucking Violation Cameras
- VII. Johnny Tolbert, III Heat Stroke Youth Protection Act
- VIII. Annexation, Deannexation, Land Swap with Union City
- IX. EMS Licensing

I. PadSplit

Oppose any legislation that would permit PadSplit, or similar operations in single family zoned properties, in the City. PadSplit leases homes from owners and in turn manages and rents the homes out. Draft potential language forcing PadSplit properties to operate under identical rules and regulations as Group Home properties.

II. Liquor License Renewal

Introduce legislation that would require a current liquor license business owner in a city to apply for additional liquor licenses for each additional new business operating in the same city, instead of automatically being grandfathered-in for each additional new business if current liquor license has been held for a minimum of 12 consecutive months.

III. Road Renaming to Honor Congressman John Robert Lewis

The City of South Fulton City Council respectfully requests the City of South Fulton Legislative Delegation to rename a road in the City of South Fulton in honor of the late Congressman John Robert Lewis.

IV. Local Bonds on Referendum

Draft legislation for purposes of removing the requirement for local bonds to be on the local referendum for approval.

V. Strengthen Candidate Residency Requirements

Introduce a change to the City Charter to close a loophole in residency requirements for candidates running for public office in the City of South Fulton.

VI. Trucking Violation Cameras

Legislation aimed to permit automated violation-detection cameras for the purpose of preventing tractor trailer violations within City limits. With a beam height of 13 feet 6 inches, if beam is broken, picture is taken of front tag to cite trucking company of violation. Additionally, the proposed measure would include an increase in the amount p

VII. Johnny Tolbert, III Heat Stroke Youth Protection Act

Support legislation requiring local governments or authorities operating parks and recreation facilities used by youth athletic organizations to ensure such parks and facilities are equipped with certain vessels for heat related injuries.

VIII. Annexation, Deannexation, Land Swap with Union City

Prepare to introduce local legislation aimed to find a solution to a subdivision with resident housing located in Union City and amenities as well as common areas located in the City of South Fulton.

IX. EMS Licensing

Support legislation that would allow first responders of municipal fire departments to engage in emergency medical transportation of patients and allow for a licensing process for emergency medical transportation for the purposes of allowing anyone who is licensed to contract with licensed ambulance providers to supplement the first responder's coverage of such geographical area.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:30 p.m. Request Council Approval to Negotiate a Sublease for a Public Works Operations Center

DATE: October 25, 2022

SUBJECT: 7:30 p.m. Request Council Approval to Negotiate a Sublease for a Public Works Operations Center

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: 7:45 p.m. Georgia Power Pole Attachment Agreements

DATE: October 25, 2022

SUBJECT: 7:45 p.m. Georgia Power Pole Attachment Agreements

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
City of South Fulton - GPC Government Banner Addendum Agreement - FINAL	Cover Memo	10/21/2022
City of South Fulton - GPC Governmental Wireless Addendum to Pole Attachment Agreement - FINAL	Cover Memo	10/21/2022
City of South Fulton - GPC Governmental Pole Attachment Agreement - FINAL	Cover Memo	10/21/2022

Addendum for
Attachment of Banners and Seasonal Decorations
to the
Governmental Pole Attachment License Agreement
Between
Georgia Power Company
and
City of South Fulton

WHEREAS, Georgia Power Company (hereinafter “Georgia Power”) and City of South Fulton (hereinafter “Licensee”) have entered into a Pole Attachment License Agreement, dated _____ (hereinafter the “Agreement”); and

WHEREAS, Georgia Power and Licensee mutually desire to expand the scope of the Agreement to allow for the Attachment of Banners and Seasonal Decorations to the Poles of Georgia Power;

NOW THEREFORE, in consideration of mutual promises contained herein, Georgia Power and Licensee enter into this Addendum for the Attachment of Banners and Seasonal Decorations (the “Addendum”) and agree as follows:

1. The terms and conditions of the Agreement shall govern this Addendum, except as explicitly stated herein.
2. “Banners” shall mean a sign that is not made of rigid material nor enclosed in a rigid frame so as to allow movement, and that is mounted to a Pole, along with all the equipment required to accommodate the installation of said sign. All Banners must comply with Georgia Power’s specifications.
3. “Seasonal Decorations” include natural or artificial evergreens, ornaments, lanterns, artificial candles, figurines and the like, which may be illuminated or otherwise electrified, along with all the equipment required to accommodate the installation of said items. Seasonal Decorations do not include any form of wireline or wireless communications device, signs, commercial advertising or messages, political advertising or messages, pole-to-pole banners or fixtures, street-crossing banners or fixtures, open flames of any type, or any other fixture of whatever type, size or character that Georgia Power, in its sole discretion, shall prohibit or refuse to allow to be placed on its Poles. All Seasonal Decorations must comply with Georgia Power’s specifications.
4. Licensee may not affix Banners or Seasonal Decoration to any Pole until Licensee requests and receives written permission from Georgia Power, using the form attached hereto as Exhibit A, “Banner and Seasonal Decoration Permit Application.” Georgia Power may deny any such request in its sole discretion, and nothing in this Addendum shall be construed to require Georgia Power to approve any request under any circumstances. Such request(s) for permission to attach Banners and Seasonal Decorations shall include information as to the number of Poles Licensee plans to attach to, a description of the Banner or Seasonal Decoration to be attached, and the duration of the Banner or Seasonal Decoration display. All such requests shall be submitted to:

Georgia Power Company
Attn: Joint Use Coordinator
241 Ralph McGill Boulevard, N. E.
Bin 20030
Atlanta, GA 30308-3374
Email: jdwilson@southernco.com
Facsimile: 404-506-2925

5. Licensee's Banners and Seasonal Decorations must be located in a space designated by Georgia Power. The Banners and Seasonal Decorations must comply with all Legal Requirements, including, but not limited to, separation and clearance requirements and all Georgia Power construction standards and requirements. Licensee's Banners and Seasonal Decorations must not interfere with or obstruct any other party's equipment on a Pole.

6. Licensee shall remove all of its Banners and Seasonal Decorations from Georgia Power's Poles no later than 10 days after the date specified in Licensee's Banner and Seasonal Decoration Permit Application. Licensee shall give written notice to Georgia Power upon removal of any Banners or Seasonal Decorations. If Licensee does not immediately so remove all such Banners and Seasonal Decorations, then Georgia Power shall be entitled to remove any remaining Banners or Seasonal Decorations at Licensee's sole cost and expense and without any liability therefor. Georgia Power may, in its discretion, arrange for Licensee to leave on Georgia Power's Poles some or all equipment necessary to accommodate the installation of any Banner or Seasonal Attachment removed under this Section 7.

7. In the event that any of Licensee's Seasonal Decorations require electric power, Georgia Power's written approval shall describe the manner in which such Seasonal Decorations must be connected to sources of power on Georgia Power's Distribution Pole(s). The Seasonal Decorations that require electric power shall be connected to Georgia Power's electric power distribution system present on the Pole on which the Seasonal Decoration is located and shall not draw on any other power source. Electric power to Licensee's Seasonal Decorations shall be billed based on an estimated energy use of the Seasonal Decoration for the duration of the display. Georgia Power shall invoice Licensee for the estimated amount of energy used, and Licensee agrees to pay Georgia Power for such power within a reasonable time of receipt of said invoice.

(Signatures Commence on Next Page)

AGREED TO AND EFFECTIVE, this _____ day of _____, 20____,
by:

LICENSEE:

Adopted at _____, Georgia this _____ day of _____, 20____.

CITY OF SOUTH FULTON

By: _____

Title:

City of South Fulton

Attest:

Name & Title

AS APPROVED TO FORM:

Vincent D. Hyman, City Attorney

Entered upon the Minutes, Minute Book _____, Page _____.

Date: _____

GPC:

GEORGIA POWER COMPANY

By: _____

Cleveland L. Fann, Vice President, Power Delivery

Date: _____

EXHIBIT A
Banner and Seasonal Decoration Permit Application

Name of Licensee

Mailing Address

City

State

Zip Code

Number of Poles to Attach Banners or Seasonal Decorations: _____.

Location of Poles (sketch attached hereto as Exhibit "B"):

Description of Displayer's Banners or Seasonal Decorations (visual description attached hereto as Exhibit "C"): _____

Duration of Display: _____

EXHIBIT B
Pole Description

EXHIBIT C
Visual Banner or Seasonal Decoration Description

Wireless Facilities Addendum
to the
Governmental Pole Attachment License Agreement
Between
Georgia Power Company
and
City of South Fulton

WIRELESS FACILITIES ADDENDUM

WHEREAS, Georgia Power Company (hereinafter “Georgia Power”) and City of South Fulton (hereinafter “Licensee”) have entered into a Pole Attachment License Agreement (hereinafter “Agreement”), dated _____; and

WHEREAS, Georgia Power and Licensee mutually desire to expand the scope of the Agreement to allow for the attachment of Wireless Facilities to the Poles of Georgia Power in consideration of the terms and conditions set forth in this Wireless Facilities Addendum (“Addendum”) to the Agreement;

NOW THEREFORE, in consideration of the mutual promises herein, Georgia Power and Licensee agree as follows:

1. The terms and conditions of the Agreement shall govern the attachment of Wireless Facilities to the Poles of Georgia Power, except as explicitly stated in this Addendum.
2. “Wireless Facilities” means, without limitation, antennas, feedlines, transmitters, receivers, power supplies and all other equipment used or useful in connection with Licensee’s provision of wireless communications services or the transmission or reception of radio frequency signals.
3. Licensee may not affix Wireless Facilities to any Pole until Licensee requests and receives written permission from Georgia Power, using the form prescribed by Georgia Power from time to time. Licensee should request the most current version of such form before submitting each request, in order to avoid delays in processing such request. Such request(s) for Permission to Attach Wireless Facilities shall include information as to the weight and dimensions of the Wireless Facilities, proposed location on the Pole of the Wireless Facilities, drawings and schematic diagrams of the structural design of the Wireless Facilities and any additional information requested by Georgia Power as necessary for Georgia Power to perform a pole loading analysis, and other necessary engineering analysis, of the proposed Wireless Facilities. A separate Request for Permission to Attach Wireless Facilities shall be submitted for each Pole to which attachments are proposed.
4. Upon request by Georgia Power, Licensee shall provide to Georgia Power prototypes or mock-ups of each new Wireless Facilities design for analysis and testing by Georgia Power. Such prototypes or mock-ups shall be delivered by Licensee to the place, and at the time, designated by Georgia Power.
5. Licensee shall notify third party entities, who already have attachments on Poles to which Licensee is seeking to attach, of Licensee’s intention to attach Wireless Facilities to the same Poles. Licensee shall make arrangements with such third party entities for any work to those entities’ equipment necessitated by Licensee’s proposed attachment of the Wireless Facilities.

6. Licensee's Wireless Facilities Attachments to Poles must be located in a space designated by Georgia Power. The Wireless Facilities Attachments must comply with: all NESC requirements, including, but not limited to, separation and clearance requirements; all FCC, OSHA and other state and federal agency requirements; and all Georgia Power construction standards and requirements. Licensee's Wireless Facilities Attachments to Poles must not physically or electronically interfere with or obstruct any other party's equipment on the Pole. All Wireless Facilities Attachments that are installed on Georgia Power's Poles must be labeled according to Georgia Power's specifications, as well as applicable rules and laws. Licensee shall periodically inspect its Wireless Facilities and replace the labels if necessary to ensure that the Wireless Facilities remain clearly labeled.

7. Georgia Power reserves the right to require written proof that Licensee holds any necessary FCC license, or that Licensee's Wireless Facilities Attachments are exempt from a license requirement and that all such Wireless Facilities comply with the FCC's equipment authorization requirements contained in Part 15 of the FCC's rules.

- a. Licensee is solely responsible for ensuring that the radio frequency ("rf") radiation emitted by its Wireless Facilities Attachments, alone and/or in combination with any and all sources of rf radiation in the vicinity, is within the limits permitted under all applicable governmental and industry standard safety codes for general population/uncontrolled exposure. Licensee acknowledges and agrees that this is the appropriate standard due to the need for access to the poles by workers for Georgia Power and other attaching entities and the location of Poles, often in residential and other populated areas.
- b. Licensee shall complete in writing and retain in Licensee's records any evaluation or analysis required by 47 C.F.R. § 1.1310 for each and every one of its Wireless Facilities Attachments and only proceed if the permissible limits stated therein are not exceeded. Licensee shall, upon request, provide Georgia Power with the results of its evaluation or analyses.
- c. Licensee shall provide Georgia Power, without request, the written certification, substantially in the form attached hereto as Exhibit A, of a professional engineer, acceptable to Georgia Power, that each proposed installation of Wireless Facilities meets the standard for permissible rf emissions. The installation shall be re-evaluated and re-certified using the same approval process as for an initial attachment whenever Licensee proposes to replace or modify any installed Wireless Facilities.
- d. Licensee agrees to install appropriate signage on the Pole(s) to which Wireless Facilities have been attached, to warn line workers or the general public of the presence of rf radiation and the need for precautionary measures. Licensee shall periodically inspect the signage and replace the signage if necessary to ensure that the signage, including text and warning symbols, remains clearly visible.
- e. This provision shall not apply to wireless camera Attachments provided that the wireless camera Attachment has a maximum output power of less than 5.6 Watts and (i) Licensee submits to Georgia Power the manufacturer specifications of said wireless camera Attachment and (ii) Licensee certifies in writing to Georgia Power

that the maximum output power of said wireless camera Attachment is less than 5.6 Watts and the antenna conforms to manufacturer's specification.

8. Due to the need for access to the poles by line workers and contractors for Georgia Power and other attaching entities, Licensee will install on each pole to which it has attached a transmitting antenna a switch that operates to disconnect power from the antenna. In ordinary circumstances, line workers and contractors will call Licensee's Network Operations Center ("NOC") to inform the NOC of the need for a temporary power shut-down. Licensee will power down its antenna remotely upon the call to its NOC provided that, for scheduled work, the power-down will occur during normal business hours and with 24 hours advance notice. After remote power-down by Licensee, workers or contractors for Georgia Power or other attaching entities may also operate the power disconnect switch in order to ensure that the antenna is not remotely re-energized while work on the pole is still in progress. In circumstances involving an imminent threat to the safety of life or property, the power-down will be with such advance notice as may be practicable under the circumstances. If circumstances warrant, workers and contractors for Georgia Power and other attaching entities may accomplish the power-down by operation of the power disconnect switch without advance notice to Licensee. In all instances, the Licensee's NOC will be informed when the work has been completed and Georgia Power or the contractor shall confirm that the power disconnect switch is in the connected position.

9. Licensee acknowledges and agrees that it is solely responsible for ensuring compliance with any and all FCC antenna registration requirements, Federal Aviation Administration ("FAA") air hazard requirements, or similar requirements with respect to the location of Licensee's Wireless Facilities on Georgia Power's Poles. Licensee acknowledges and agrees that Georgia Power's Poles are not "antenna support structures" within the meaning of the FCC's rules and that, accordingly, Georgia Power has no obligation of its own in this regard to register the Poles with the FCC, the FAA, or other agency.

10. Licensee further acknowledges and agrees that Georgia Power is under no obligation, either with respect to its own facilities or those of any other attaching entity, as to facilities now existing or in the future, to protect against harmful interference to the rf signals of the Licensee, as may emanate or arise from any source.

11. Licensee shall reimburse Georgia Power for any and all costs incurred by Georgia Power in connection with this Addendum consistent with the reimbursement terms in the Agreement.

Signatures Commence on Next Page

LICENSEE:

Adopted at _____, Georgia this _____ day of _____, _____.

CITY OF SOUTH FULTON

By: _____

Name:

Title:

Attest:

Name:

Title:

AS APPROVED TO FORM:

Vincent D. Hyman, City Attorney

Entered upon the Minutes, Minute Book _____, Page _____.

Date: _____

GPC:

GEORGIA POWER COMPANY

By: _____

Cleveland L. Fann

Vice President, Power Delivery

Date: _____

Exhibit A

Radio Frequency Emissions Certification

The Effective Isotropic Radiated Power ("EIRP") of the Wireless Facilities shall comply with Part 15 of the FCC Rules and levels of radio frequency exposure shall comply with Section 1.1310 of the FCC's Rules and with the FCC's *OET Bulletin 65*, latest revisions.

Will the Wireless Facilities that are the subject of the accompanying Request for Permission to Attach Wireless Facilities, dated _____, as installed, comply fully with the radio frequency exposure limitations at all distances for General Population/Uncontrolled Environments as specified by the Federal Communications Commission at 47 C.F.R. §1.1310 (or its successor regulation), the FCC's *OET Bulletin 65*, latest revision, and any applicable state radio frequency exposure standards?

_____ Yes

_____ No

Certification:

I certify that: (i) I am a registered professional engineer with experience regarding radio frequency emissions; (ii) I have performed the analysis specified in 47 C.F.R. § 1.1310 of the FCC's rules and *OET Bulletin 65* for each and every one of the Wireless Facilities Attachments covered in the Request for Permission to Attach Wireless Facilities, dated _____, and (iii) the answer given above is true.

Signature

Print Name

License Number

Governmental Pole Attachment License Agreement

Between
Georgia Power Company
and
City of South Fulton

POLE ATTACHMENT LICENSE AGREEMENT
GOVERNMENT USE

THIS POLE ATTACHMENT LICENSE AGREEMENT (“Agreement”) is made between **GEORGIA POWER COMPANY** (hereinafter “GPC”) and **City of South Fulton**, a municipality of the State of Georgia (hereinafter “Licensee”), and is subject to the following terms and conditions:

1. DEFINITIONS:

A. “Attachments” means all cables, wires, power supply equipment and cameras, traffic control equipment and hardware, and all associated hardware and equipment reasonably necessary for the attachment of said cables, wires, power supply equipment, traffic control equipment, and cameras, owned and/or utilized by Licensee that now or in the future occupy any Pole, including any Overlashing, and shall not include access to any duct, conduit or right-of-way owned by GPC, which may in GPC’s sole discretion be made available under a separate Master Conduit License Agreement or other appropriate contract.

B. “Effective Date” means the date on which GPC makes written acceptance of Licensee’s signed copy of this Agreement.

C. “FCC” means Federal Communications Commission.

D. “ILEC” means an incumbent local exchange carrier as defined in 47 U.S.C. § 251(h).

E. “Inherent Dangers” means the transmission/distribution of electrical energy involves the handling of a natural force that, when uncontrolled, is inherently hazardous to life and property. Due to the nature of any work to be performed, other hazardous or dangerous conditions (not necessarily related to the inherent danger of electricity) may also be involved in performing work on Poles, including but not limited to the following dangers: physically tripping, falling objects from work being performed overhead, working on scaffolding, electric wiring, hot metal surfaces, flash burns from welding, use of heavy equipment (e.g., mobile and stationary cranes and hoists, trucks and other equipment normally used in heavy construction and hauling), and possible hazardous materials, substances and chemicals, including the presence of asbestos, polychlorinated biphenyl (PCB), solvents, lead paint and arsenic.

F. “Inspection” means any inspection to determine if an Attachment or work being performed by Licensee or its contractors thereon is in compliance with Legal Requirements and the terms of this Agreement.

G. “Joint User” means any public utility, governmental body or other entity that owns poles to which GPC has extended or may hereafter extend joint use privileges whereby GPC and such party may affix their equipment to each other’s poles.

H. “Legal Requirements” means all applicable statutes, laws, rules, codes, ordinances, regulations, decisions, orders, decrees, policies, guidance, directives or common law of any Federal, state, local or other governmental body, authority or entity with jurisdiction over the subject matter of this Agreement, contract performance or the applicable party (including any

judicial or administrative interpretation), that: (1) are: (a) in effect on the Effective Date; or (b) imposed during the term of this Agreement; and (2) which in any manner affect the subject matter of this Agreement, contract performance or this Agreement, including without limitation the NESC and any other applicable safety codes and regulations.

I. “Make-Ready Project Manager” means Candler Ginn or his successor.

J. “Make-Ready Work” means all work, as reasonably determined by GPC, required to accommodate an Attachment and to comply with Legal Requirements, including but not limited to rearrangements, increasing the load bearing ability of a Pole and/or the transfer or replacement of a Pole and other reasonable requirements of GPC. Make-Ready Work also includes but is not limited to Inspections, engineering, permitting and construction.

K. “NESC” means the National Electrical Safety Code.

L. “NJUNS” means the National Joint Utilities Notification System.

M. “Overlashing” means the tying, draping, twisting, wrapping or otherwise attaching of fiber optic cable, coaxial cable or other wires over or around other host cables or wires attached to a Pole.

N. “Point of Attachment” means the approved point of attachment for an Attachment, as designated by GPC.

O. “Pole” means a GPC distribution pole.

P. “Pole Attachment Count” means a count of Licensee’s Attachments.

Q. “PSC” means the Georgia Public Service Commission.

R. “RF” means Radio Frequency.

S. “Transmission Facility” means any of GPC’s electric supply lines and support structures operated at or above 69 kilovolts (kV).

2. **TERM:** This Agreement shall be effective as of the Effective Date and shall remain in full force and effect until terminated in accordance with the provisions of this Agreement. Either party may terminate this Agreement upon one hundred eighty (180) days’ prior written notice. Each license granted hereunder shall continue in effect until the first to occur of the following: (i) Licensee notifies GPC in writing that it is removing the Attachment allowed under such license; (ii) GPC terminates such license pursuant to the terms of this Agreement; or (iii) this Agreement terminates.

3. **LICENSE:**

A. **Application.** Prior to affixing any Attachment, Licensee shall request approval on a form to be provided upon request by the Make-Ready Project Manager. Licensee shall submit reasonably sufficient data (including without limitation sag, tension, design and loading data) for

such Attachment, in form prescribed by GPC, such that GPC can ascertain whether Licensee's construction plan complies with the requirements set forth in such data and applicable industry standards.

B. Permission. GPC shall approve or deny the application, in its sole discretion, within forty-five (45) days of receipt thereof, and may do so via electronic means, including NJUNS. After approval of an Attachment, GPC will perform Make-Ready Work and issue a conditional permit in accordance with Section 7 hereinbelow. Licensee shall not affix an Attachment until receipt of said permit. Notwithstanding the foregoing, each Attachment in place on the Effective Date that has been approved in writing by GPC is hereby granted a separate license to be governed by this Agreement.

C. Attachment Rate. To the extent permitted by applicable statutes and regulations, GPC hereby waives the right to collect a rental fee for any Attachment approved by GPC pursuant to this Agreement, provided, however, that Licensee shall not change the type or use of such Attachment as approved.

D. Service Drops. Licensee shall not place a service drop unless and until it has received prior written permission from GPC.

E. Removal.

i. Licensee must promptly notify GPC in writing when Licensee removes an Attachment. Licensee will continue to be responsible for any rental fees for removed Attachments until GPC receives written notice of removal.

ii. Upon notice from GPC that it requires use of any Attachment space (which notice shall include an estimate of the costs GPC would incur in expanding capacity necessary to accommodate both the Attachment and GPC's core utility service), Licensee shall, within thirty (30) days of receiving such notice, either remove the Attachment or pay GPC's cost of expanding capacity necessary to accommodate both the Attachment and GPC's core utility service. If Licensee shall fail to do so, GPC shall be permitted to, at its option, either remove the Attachment, or increase capacity to accommodate GPC's core utility service, and Licensee shall reimburse GPC for all reasonable costs incurred for same.

iii. Upon notice from GPC that it is abandoning a Pole, Licensee shall, within thirty (30) days of receiving such notice, remove its Attachments from said Pole. In the event that Licensee fails to do so, GPC shall have the right to remove or cause to be removed any such Attachments and Licensee shall reimburse GPC for all reasonable costs incurred for same.

iv. Licensee shall remove an Attachment no later than thirty (30) days following termination of the applicable license and/or this Agreement. Notwithstanding anything herein to the contrary, Licensee shall remove any unauthorized or unapproved Attachment promptly upon notice from GPC.

4. RESTRICTIONS ON USE:

A. Purpose. Licensee is a governmental entity and will affix Attachments for the sole purpose of internally conducting government business, which shall not include providing services for a profit. Licensee shall not affix Attachments for the purpose of providing wireless internet service to the public, nor shall Licensee affix any Attachments that would be subject to the mandatory access requirements of 47 U.S.C. § 224(f).

B. Change in Type or Use. Licensee will not make any change to the type or use of its Attachments without prior written approval from GPC.

C. Cameras. Licensee shall limit the use of camera Attachments to lawful crime prevention and investigation. When required by a Legal Requirement, Licensee shall obtain any necessary authority or order from a court with appropriate jurisdiction and provide GPC with a copy of same prior to Licensee's use of any camera.

D. Wireless. Licensee shall not affix any wireless Attachments unless and until it has entered into a separate wireless addendum to this Agreement, the form of which the Make-Ready Project Manager will provide upon request by Licensee; and Licensee shall only affix wireless Attachments in accordance with said addendum.

5. RIGHTS-OF-WAY AND EASEMENTS: GPC does not warrant the extent of its rights-of-way or easements. Licensee shall be responsible for obtaining any real property rights necessary for Attachments on a Pole. If GPC determines that Licensee's use of a Pole is not permitted or is prohibited by the underlying property owner, Licensee shall, upon notice from GPC, promptly remove its Attachments from such Pole.

6. OVERLASHING: Licensee must obtain written approval from GPC prior to Overlashing. Each request for approval must state the intended use of the Overlashing and must include a certification by Licensee that the Overlashing will be in compliance with the NESC and include reasonably sufficient data (including without limitation sag, tension, design and loading data) for such Overlashing, in form prescribed by GPC, such that GPC can ascertain whether Licensee's construction plan complies with the requirements set forth in such data and applicable industry standards.

7. MAKE-READY WORK:

A. Who May Perform. Only GPC and its contractors are authorized to perform Make-Ready Work, provided, however, that Licensee shall be permitted to rearrange its own existing Attachments. Licensee shall never work on or impact another party's attachments, except where such party has given Licensee written approval to perform such work. All Make-Ready Work shall be performed in accordance with all Legal Requirements.

B. Payment. For an approved Attachment, GPC shall provide Licensee with an engineering survey and the estimated cost of Make-Ready Work within fourteen (14) days of conditional approval of the Licensee's permit. The engineering survey will depict the Point of Attachment. The estimate will remain valid for fourteen (14) days following notification. Upon receipt of Licensee's written acceptance of the estimated cost, GPC will invoice Licensee for the

estimated cost. Make-Ready Work will not begin until GPC receives full payment of the estimated cost, which Licensee shall pay to GPC within thirty (30) days of the invoice date. If the actual cost exceeds the estimated cost, GPC will invoice Licensee for the excess cost and Licensee shall pay the excess costs to GPC within thirty (30) days of the invoice date. If the actual cost is less than the amount tendered, GPC will refund the excess payment amount. The total cost for Make-Ready Work shall include any and all costs incurred by GPC in connection with the Make-Ready Work.

C. Location. Attachments must be placed at the Point of Attachment and must not interfere with any other party's equipment on the Pole. The Attachment space for wire Attachments is six (6) inches above and below the Point of Attachment. The Attachment space for wireless Attachments will be determined by GPC by the space occupied by such Attachments. Licensee shall not use a GPC anchor or affix or attempt to affix an Attachment to a Transmission Facility without the express written approval of GPC.

D. Affixing. Following completion of Make-Ready Work, GPC will issue a conditional permit to Licensee to affix its Attachment. The Attachment must be affixed and any related construction work completed within one hundred twenty (120) days of permit issuance. Licensee will notify GPC in writing at least three (3) business days prior to starting work on the Attachment and within three (3) business days of completing same. GPC or its contractors will perform an Inspection. In the event that GPC determines that an Attachment or any work thereon fails to comply with any Legal Requirements or the terms of this Agreement, GPC will so notify Licensee and Licensee shall make any necessary repairs or corrections within thirty (30) days thereafter, or immediately if the violation creates a danger to persons or property. GPC or its contractors will then perform further Inspections as necessary until it determines that Licensee is in compliance with all Legal Requirements and the terms of this Agreement.

8. SAFETY COMPLIANCE:

A. Licensee shall only use persons to perform work on Poles who are qualified by the education and experience necessary to provide high quality performance of work on Poles and who possess each license, registration, certification or other qualification required by any Legal Requirements to perform any work contemplated by this Agreement to be performed by Licensee or its contractors. Such persons must exercise that degree of skill and care required by the highest level of accepted professional standards with respect to performing work on Poles and shall have been properly trained on the hazards as set forth in 29 C.F.R. § 1910, Subpart S and § 1910.269. Licensee is solely responsible for assuring such persons have the necessary qualifications, expertise and safety training.

B. Before any person has performed any work contemplated by this Agreement by, through or for Licensee on or near any facilities of GPC, Licensee must adequately instruct and warn such person concerning the hazards and Inherent Dangers associated with performing work on Poles, including without limitation the danger inherent in making contact with GPC's electrical conductors and of coming closer to such conductors than is permitted by the NESC or by regulations of the Occupational Safety and Health Administration.

C. Licensee shall ensure that all Attachments and any equipment and work in connection therewith are in compliance with all Legal Requirements, including but not limited to separation

and clearance requirements. Licensee shall use its best efforts to correct any safety violations that are the responsibility of Licensee within thirty (30) days of Licensee having knowledge of same, except for violations creating a danger to persons or property, which must be corrected immediately upon discovery.

9. TRANSFER AND REARRANGMENT:

A. Licensee may authorize GPC to transfer its Attachments when necessary due to a relocation or replacement of a Pole, at Licensee's expense and in accordance with the terms and conditions set forth on **Exhibit A** attached hereto, incorporated herein by reference and made a part hereof, by executing **Exhibit A**.

B. In the event that an Attachment must be rearranged or transferred in order to accommodate another party requesting to attach, GPC, its contractors or the party requesting to attach shall be permitted to rearrange or transfer Licensee's Attachment if Licensee has failed to do so within thirty (30) days of notice from Licenser, or such other time period as may be required by applicable Legal Requirements.

10. POLE ATTACHMENT COUNTS: GPC shall not charge Licensee for any Pole Attachment Count for Attachments that are both (a) validly permitted under and in compliance with this Agreement and (b) not subject to the mandatory access requirements of 47 U.S.C. § 224(f).

11. [DELETED BY AGREEMENT OF PARTIES]

12. INSURANCE: Licensee shall procure and maintain insurance to protect it and GPC against claims for damage to property and bodily injury or the death of persons in the amount of \$1,000,000 for damages arising from one occurrence and \$1,000,000 for aggregate claims. Licensee shall also carry insurance sufficient to cover claims under workmen's compensation laws for Licensee's operations within GPC's service area. All such insurance shall be kept in force by Licensee for the life of this Agreement and the company or companies issuing such insurance shall be subject to the reasonable approval of GPC. GPC shall be named an additional insured under Licensee's liability insurance policy and the policy must state that the insurance company is waiving any right of subrogation against GPC. Licensee shall furnish to GPC a certificate showing the issuance of such insurance and the insurance company's agreement that it will not cancel, terminate, or change its policy except after thirty (30) days' prior written notice to GPC. Licensee's failure to maintain insurance coverage as required by this Agreement shall be deemed a material breach and Licensee's rights to affix Attachments shall be suspended until Licensee is in full compliance with the foregoing insurance requirements.

13. RELEASE AND LIMITATION OF LIABILITY: TO THE EXTENT ALLOWED BY GEORGIA LAW, LICENSEE ACKNOWLEDGES AND AGREES THAT GPC'S LIABILITY FOR DAMAGES TO PROPERTY, BODILY INJURY OR DEATH TO ANY PERSON SHALL BE LIMITED SOLELY TO ACTS AND OMISSIONS CAUSED BY GPC'S NEGLIGENCE, AND HEREBY AGREES TO AND RELEASES GPC FROM ANY AND ALL LIABILITY FOR DAMAGES TO PROPERTY, BODILY INJURY OR DEATH TO ANY PERSON EXCEPT TO THE EXTENT CAUSED BY GPC'S NEGLIGENCE. LICENSEE FURTHER AGREES THAT,

TO THE EXTENT ALLOWED BY GEORGIA LAW, GPC SHALL NOT BE LIABLE FOR INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES OR FOR ANY LOST PROFITS, SAVINGS OR REVENUES OF ANY KIND AND THAT ANY CLAIM BROUGHT AGAINST GPC BY A THIRD PARTY ARISING FROM AN ACT OR OMISSION OF LICENSEE SHALL BE SUBJECT TO AND COVERED BY THE INSURANCE POLICY LICENSEE ACQUIRES PURSUANT TO ITS CONTRACTUAL OBLIGATIONS UNDER THIS AGREEMENT, PROVIDED THAT ANY SUCH POLICY SHALL PROVIDE COVERAGE IN ACCORDANCE WITH, AND NOT LESS THAN, THAT DESCRIBED IN THE TERMS AND CONDITIONS OF THE ACCG-IRMA COVERAGE AGREEMENT EFFECTIVE 1 JULY 2011, AS ENDORSED TO ADD GPC AS AN "ADDITIONAL MEMBER."

14. WARRANTY EXCLUSIONS: GPC, ITS AFFILIATES, CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS MAKE NO WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS, IMPLIED, STATUTORY OR OTHERWISE AND SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE REGARDING THE CONDITION OF ANY POLE OR ANY SERVICE MADE AVAILABLE TO LICENSEE UNDER THIS AGREEMENT OR ANY WORK PERFORMED BY GPC, ITS AFFILIATES, CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS. NO APPROVAL TO AFFIX AN ATTACHMENT SHALL CONSTITUTE A GUARANTEE OR REPRESENTATION THAT ADEQUATE SPACE EXISTS FOR SUCH ATTACHMENT ON ANY POLE AT THAT TIME OR IN THE FUTURE.

15. REPAIR AND OTHER WORK PERFORMED BY GPC: In the event that GPC makes repairs or performs any work, other than transfers and rearrangements pursuant to Section 9(A) and Exhibit A to this agreement, to a Pole on which Licensee has an Attachment, GPC will bill Licensee for the actual costs of any portion of said repairs or other work that directly benefit Licensee, as determined by GPC, and Licensee shall make payment to GPC within thirty (30) days of the date of invoice. In the event GPC determines that any work or repairs (including but not limited to removal of Attachments) are necessary because of a violation by Licensee of this Agreement or because of an attachment by Licensee that is not in compliance with this Agreement, GPC or its contractors shall be entitled to perform such work or repairs. Licensee shall be responsible for the full cost of such work or repairs and shall make payment to GPC within thirty (30) days of the date of invoice for same.

16. NOTICE: All notices regarding the affixing, maintenance or removal of an Attachment shall be sent electronically using NJUNS. All other notices shall be sent by electronic mail, facsimile or in written form delivered either personally or by mail, courier or similar reliable means of dispatch to the following address:

GPC:

Georgia Power Company
Attn: Joint Use Coordinator
241 Ralph McGill Boulevard, N. E.

Bin 10140
Atlanta, GA 30308-3374
Email: jdwilson@southernco.com
Facsimile: 404-506-2925

For permit applications:

Georgia Power Company
Attn: Make-Ready Project Manager
829 Jefferson Street
Atlanta, GA 30318

Licensee:

City of South Fulton
Attn: Artie Jones, Economic Development Director
5440 Fulton Industrial Blvd.
Atlanta, GA 30349

17. MARKING OF OVERHEAD CABLES: Licensee shall mark all of its overhead cables attached to Poles in accordance with the marking standards set forth in **Exhibit B** attached hereto, incorporated herein by reference and made a part hereof. In the event that Licensee fails to mark an overhead cable, GPC shall have the right, at Licensee's expense, to mark same.

18. LICENSEE INFORMATION: Licensee must provide the information requested on **Exhibit C** attached hereto, incorporated herein by reference and made a part hereof, on or before the Effective Date. Licensee shall provide GPC with written notice within thirty (30) days of any change to such information.

19. FORCE MAJEURE: Neither GPC nor Licensee shall be liable for any delay, failure in performance, loss or damage due to force majeure conditions, including but not limited to fire, explosion, power failures, pest damage, lightning, extreme heat or cold, power surges, strikes, labor disputes, water, acts of God, the elements, war, civil disturbance, acts of civil or military authorities or the public enemy, inability to secure raw materials including Poles, inability to obtain transportation, fuel or energy shortages, failure of either performance or availability of communication services or network poles, failure of an ILEC or third-party utility to act notwithstanding reasonable efforts on the part of GPC or the Licensee or other causes beyond the parties' control.

20. MISCELLANEOUS: Licensee shall comply, and shall require that its contractors comply, at all times with all Legal Requirements. Licensee may not assign this Agreement in whole or in part without the prior written consent of GPC and shall not permit any third party to overlash or affix any attachments. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. Any litigation arising from any alleged breach of this Agreement must be brought in an appropriate court in Fulton County, Georgia. Any headings inserted herein are for convenience only, and shall not add to or subtract from the meaning of the contents of any provision herein. This Agreement may only be modified by a

writing executed by both parties. Failure by GPC to enforce any term of this Agreement shall not constitute a waiver of future compliance with any such term. If any provision of this Agreement is found to be illegal or otherwise invalid, the validity of the remaining provisions shall not be impaired. The parties shall attempt to replace any invalid provision with a valid provision having substantially the same commercial effect as such invalid provision and the replacement provision shall be deemed effective retroactively to the Effective Date. This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same agreement. In the event this Agreement is terminated, the terms and conditions set forth herein shall survive and continue in force with respect to: (i) determining either party's failure to perform during the term of the Agreement; (ii) any failure by Licensee to move or remove its Attachments or to comply with applicable safety standards; and (iii) determining Licensee's responsibility regarding Licensee's assumption of ownership of abandoned Poles. This is the entire Agreement between the parties with respect to Attachment rights and supersedes all prior agreements, proposals, communications and understandings between the parties concerning the subject matter contained herein.

[SIGNATURES COMMENCE ON NEXT PAGE]

LICENSEE:

Adopted at _____, Georgia this _____ day of _____, _____.

CITY OF SOUTH FULTON

By: _____

Name:

Title:

Attest:

By: _____

Name:

AS APPROVED TO FORM:

Vincent D. Hyman, City Attorney

Entered upon the Minutes, Minute Book _____, Page _____.

Date: _____

GPC:

GEORGIA POWER COMPANY

By: _____

Cleveland L. Fann

Vice President, Power Delivery

Date: _____

EXHIBIT A

TRANSFER OF EQUIPMENT

RECITALS

Pursuant and subject to the foregoing Agreement, Licensee holds a license to affix Attachments. Licensee wants GPC to transfer its Attachments when GPC transfers its own electric distribution facilities during the replacement or relocation of Poles. GPC is willing to transfer such Attachments on the terms and conditions set forth in this Exhibit A. Accordingly, for value received, the parties agree as follows:

TERMS AND CONDITIONS

- 1. TRANSFER OF ATTACHMENTS.** If GPC is relocating or replacing a Pole and determines that the transfer of Licensee's Attachments on such Pole is appropriate, then GPC or its contractors may transfer such Attachments concurrent with the transfer of GPC's own equipment attached to such Pole. If GPC replaces or relocates a Pole, but does not transfer Licensee's Attachments, GPC will notify Licensee so as to enable Licensee to make such transfer, and the Agreement will govern the rights and obligations of the parties with respect to such Pole.
- 2. FEES.** Licensee will pay GPC, within thirty (30) days of the date of invoice, GPC's standard fee for any work performed by GPC or its contractors under this Exhibit A as established and amended by GPC from time to time. As of the date indicated below, the standard fee is \$85.00 per Attachment.
- 3. GOVERNING AGREEMENT.** In performing their obligations under this Exhibit A, the parties will remain governed by the terms and conditions of the Agreement, including without limitation those provisions relating to limitation of liability.
- 4. TERMINATION.** This Exhibit A may be terminated by either party upon written notice to the other party.

Licensee hereby accepts and authorizes GPC or its contractors to transfer its Attachments in accordance with the foregoing terms and conditions.

LICENSEE:

CITY OF SOUTH FULTON

By: _____

Name: _____

Title: _____

Date: _____

GPC:

GEORGIA POWER COMPANY

By: _____

Cleveland L. Fann

Vice President, Power Delivery

Date: _____

EXHIBIT B

GPC OVERHEAD CABLE MARKING STANDARD

Licensee shall mark all of its Attachments to Georgia Power's Poles in accordance with the following marking standards:

The tag should identify the owner of the attachment by a name that substantially matches the name on the Agreement under which the attachment was installed. A "dba" can be added to the tag if desired or necessary.

The tag should include a 24-hour per day contact telephone number.

Each new Attachment should be marked on the following Poles:

- Every end pole.
- Every junction pole.
- Every 5th pole.

Multiple Attachments on the same Pole must be marked.

On older lines not marked, Attachments should be marked as Poles are visited.

If a company's name changes or if Attachments are sold, then the NJUNS website table must be changed to reflect the new owner information as soon as the website for the table is available.

The marker should have a life span of at least 10 years.

Letter height should be at least 3/4" tall.

Letters should be black on an orange background.

Marker should be legible from the ground.

EXHIBIT C
(Provide Information on Additional Pages if Necessary)

Licensee's Attachments will provide the following services to Licensee's customers:

Licensee intends to affix Attachments in the following counties pursuant to this Agreement:

(Note: If Attachments will only be in part of a county, provide the names of roads or streets that most closely constitute a boundary of the service areas.)

Licensee's NJUNS Member Code and contact e-mail address are as follows:

Licensee's applicable FCC and PSC license numbers for service to be provided by its Attachments are as follows:

FCC License Number(s):

PSC License Number(s):
