



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

WORK SESSION MINUTES

The Work Session was called to order by Mayor Edwards at 5:00pm. All members were present, so there was a quorum.

- **Presentation by the Atlanta Regional Commission Neighborhood Nexus Program**

The meeting began with a PowerPoint presentation by Mr. Jim Skinner from Atlanta Regional Commission (ARC) and Ms. Bernita Smith, Director of Neighborhood Nexus Program. After the presentation of an extensive overview on ARC and its Nexus Program, City Councilmembers asked questions and added comments. The Mayor and Councilmembers thanked Mr. Skinner and

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 5:00PM

Ms. Smith for the information provided and welcomed additional information as the City of South Fulton continues to grow.

- **Presentation on the Secondary Effects of Adult Entertainment Establishments – City Attorney**

Ms. Kimberly Anderson, legal counsel, gave a presentation on sexually oriented businesses and how surrounding cities have dealt with the issue. She included information on Fulton County's restrictions and license requirements and the city regulations and requirements, in reference to sexually oriented/adult entertainment businesses.

Mayor Edwards and Councilmembers asked Ms. Anderson questions and then added comments. A thank you was given to Ms. Anderson for her presentation from the Mayor and Council.

- **Executive Session, if necessary**

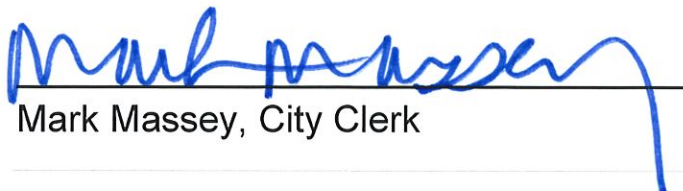
A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to conduct a closed Executive Session regarding Personnel and Litigation. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 6:06pm and ended at 7:00pm.

IN OPEN SESSION:

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

A motion was made by Councilmember khalid and seconded by Councilmember Willis to close the Executive Session. The motion passed unanimously, 7-0-0.


Mark Massey, City Clerk



DIVIDER SHEET



- _____

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

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:03pm. Following the roll call, all members were present.

2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

4. Approval of the Consent Agenda

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

- a. Meeting Minutes – Tuesday, October 10, 2017
- b. Meeting Minutes – Tuesday, October 17, 2017
- c. Proclamation recognizing Bishop Richard B. Lankford, Sr.
Appreciation Day **(Edwards)**
- d. Proclamation recognizing Mr. Koya Olateru-Olagbegi
Appreciation Day **(Edwards)**

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

5. Approval of the Regular Meeting Agenda

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

6. Proclamations and Recognitions
 - a. Proclamation recognizing Twisted Sisters Book Club
Appreciation Day **(Edwards)**

Mayor Edwards presented a Proclamation in recognition of the Twisted Sisters Book Club appreciation Day.

The Mayor recognized Ms. Kimberly Dove of the Fulton County Board of Education who is the Representative for the City of South Fulton.

7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following eight (8) Citizens offered public comment:

- **Mr. Mike Reuss representing the HOA of Cedar Grove, expressed concern about Fire Department repairs and about the New City and how he campaigned for its existence.**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

- **Ms. Juliette Rankins** heard the Mayor is okay with warehouses, she opposes. She heard Mayor Pro Tem Rowell agreed with joining Select Fulton, she disagrees. Doesn't want the City to go into debt by floating Bonds for Parks & Recreation.
- **Ms. Damita Chatman** fought for the City and wants it to get on one accord. Res2017-046, Hire a City Manager, watched video, Council should follow process for removing Interim City Manager. Commended Josh, Interim City Attorney, for fighting on behalf of South Fulton becoming a City.
- **Mr. Marcus Coleman** with respect to an Ordinance dealing with marijuana possession, the City should adopt a decriminalization Ordinance. The City should go the extra mile to respond to persons that offer public comment and speak at the meetings.
- **Ms. Glenda Collins** new law passed in Atlanta reducing fines for marijuana use, she asked how does that effect our Courts in the City of South Fulton and she hopes the new Police Chief will help to reduce crime.
- **Mr. David Williams** thanked Councilmembers Gumbs and Baker for getting back to him in a timely manner. Feel use of marijuana is a crime. Councilmembers ran their campaigns on transparency – are you giving 100% of what you promised.
- **Mr. Antonio Steele** a small business owner, bothered by Councilmembers lack of harmony.
- **Ms. Charlean Parks** concerned with security in South Fulton and the police response time of 3 hours. There is a need to follow-up on businesses that are boarded up.

8. Business

a. Resolutions

- i. Resolution to establish a policy relating to budgetary controls for members of the City Council. **(Jackson – Res2017-063)**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

- ii. Resolution to establish a policy relating to budgetary controls for members of the City Council. **(Baker – Res2017-064)**

Councilmember Baker (with agreement by Councilmember Jackson) removed/withdrew Resolutions Res2017-063 and Res2017-064.

- iii. Resolution to amend the “OpenGov” Program relating to transparency and routine reporting of revenues, operations and expenditures of each City Department by the fifteenth of each month for the preceding month. **(Jackson – Res2017-065)**

A motion was made by Councilmember Jackson to add co-sponsors Mayor Pro Tem Rowell and Councilmember Gumbs and to change item #3 to “the City Manager” and “monthly”. The motion was not seconded; therefore the motion failed.

A motion was made by Councilmember Jackson and seconded by Councilmember Baker to approve/accept Res2017-065 as amended, changing Item #3 to read “the City Manager”, instead of the Finance Director. Councilmembers Jackson and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Willis, Gumbs and Gilyard voted no. The motion failed, 2-4-0. Councilmember khalid was away from the dais.

- iv. Resolution imposing an additional 30-day moratorium on the issuance of all alcohol licensing permits for age-restricted establishments within the City of South Fulton. **(Res2017-066)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve/accept Res2017-066 as amended, changing the last ‘Whereas’ clause to read additional 30 days; Section 5 to read on or after October 30, 2017; change Section 6 to read at midnight on October 30, 2017 and end upon 30 days expiration; and

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

change Section 8 to read become effective on October 30, 2017. The motion passed unanimously, 7-0-0.

- v. Resolution authorizing contract for encroachment to construct small pipeline at Williams Road right of way; and for other purposes. **(Res2017-067)**

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to approve/accept Res2017-067 as amended, changing Paragraph 1, line 5 to read ‘pipeline as generally set forth’. The motion passed unanimously, 7-0-0.

b. Ordinances

- i. **[SECOND READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Sec. 8-1014., regarding the duties and authority of police officers. **(Ord2017-026)**

A motion was made by Councilmember Baker and seconded by Councilmember khalid to approve Ord2017-026. The motion passed unanimously, 7-0-0.

- ii. **[SECOND READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Secs. 8-1010-11., regarding ATVs and Off-Road vehicles **(Willis and Rowell – Ord2017-027)**

A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve/accept Ord2017-026 as amended. A friendly amendment was made by Councilmember khalid to use fines that are collected to create an ATV park. Councilmember Willis did not accept the friendly amendment. A friendly amendment was made by Councilmember Baker to amend Sec.8-1011. – Penalties for violations of Sec.8-1010 (a) to read ‘the amount of \$500.00’ and (b) to read ‘the amount of \$750.00’. Councilmember Willis accepted the friendly amendment. A friendly amendment was made by Mayor Pro Tem Rowell to add the effective date of November 1, 2017. Councilmember Willis accepted the friendly amendment. Mayor Pro

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

Tem Rowell and Councilmembers Gumbs, Willis, Gilyard, Jackson and Baker voted yea. Councilmember khalid voted no. Therefore, the motion passed, 6-1-0.

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

As a first reading, Ms. Kimberly Anderson, legal counsel, indicated that the effective date will be May 1, 2018, and the fees will be established by the Public Service Commission.

- iv. **[FIRST READING]** An Ordinance to establish procedures to provide preference to City of South Fulton businesses in competitive sealed bidding for City services. **(Rowell – Ord2017-029)**

Mayor Pro Tem Rowell expressed concern as to how much the percentage would be for the franchise fees and how they could be passed on to the customers. This can be discussed when the Ordinance comes before Council again.

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

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

9. City Manager's Weekly Update

Interim City Manager Jones indicated that the Solid Waste/Recycling "RFP" is posted to the web site.

There will be a Special Called Meeting next Tuesday, October 31, 2017 at 7:00pm. Agenda items will be: TAN Resolution approval; a discussion of the transition; the Courts MOU; and an Ethics item from the Interim City Attorney.

The renewal process for business licenses is being prepared for a mailing.

The draft copy of the Employee Handbook was handed out and any questions or comments should be directed to the Human Resources Department.

Interim City Manager is working to remove the zoning moratorium; the consultant from the web site met with staff this week to work on the City web site and the meetings will continue next week to get all information department information loaded on the web site; Zero360/First Class will have presentations for Council on Friday, October 27 to continue the branding training; and Departments have submitted their information and hopefully the 2018 Budget Books will be ready by the first of the year.

It was noted that transitioning the Park & Recreation Departments, including their equipment, included uniforms, park signs and their vehicles will need logos. All will be taken care of during the transition period. There is currently a contract with a uniform company and we have an agreement with Quik-Trip for gasoline for the cars. A meeting with the Parks Department is scheduled this week to further discuss all details.

Staff met with Fulton County yesterday on reconciliation and the next invoice should be a reduced amount. An up-date on this amount was requested for next Tuesday's meeting.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

~~10. Mayor and City Council Comments (Two minutes each)~~

10. Executive Session, if necessary.

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to conduct a closed Executive Session regarding Personnel. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 8:43pm and ended at 9:27pm.

A motion was made by Councilmember khalid and seconded by Councilmember Willis to close the Executive Session. The motion passed unanimously, 7-0-0.

IN OPEN SESSION:

The City Clerk announced that there was one (1) action item taken in Executive Session. The Resignation of Interim City Manager Ruth Jones, was accepted, effective October 24, 2017. Councilmembers Gumbs, Gilyard, Jackson, Baker and khalid voted yea, Mayor Pro Tem Rowell and Councilmember Willis voted no. Therefore, the motion passed, 5-2-0.

11. Adjournment

A motion was made by Councilmember khalid and seconded by Councilmember Gumbs to adjourn the meeting. The motion passed unanimously, 7-0-0.

The meeting adjourned at 9:34pm


Mark Massey, City Clerk

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

ORDINANCE NO. 2017-026

AMENDMENT TO ORDINANCE NO. 2017-018

The following amendment to Ordinance No. 2017-18, entitled "Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to provide for duties and authority of police officers."

Adding Sec. 8-1014 regarding the duties and authority of police officers, as follows:

Sec. 8-1014. – Duties and authority of police officers.

- (a) It shall be the duty of officers of the police department to enforce this Title and all other traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Officers of the police department are hereby authorized to direct all traffic by voice, hand, or signal in conformity with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) County fire officers when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity.
- (d) The duties and responsibilities created by this chapter shall apply to any police department that is assigned jurisdiction by the Mayor and City Council through an intergovernmental agreement created pursuant to Section 7.16(b) of the City Charter.

The foregoing Ordinance No. **2017-026** is an Amendment to Ordinance No. 2017-018 adopted on **October 24, 2017** was offered by Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **khalid**, and being put to a vote, the result was as follows:

“SECOND READ”

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

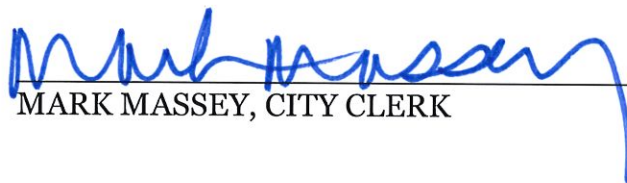
THIS ORDINANCE adopted this 24th day of October 2017. CITY OF
SOUTH FULTON, GEORGIA.

“SECOND READING”



WILLIAM “BILL” EDWARDS, MAYOR

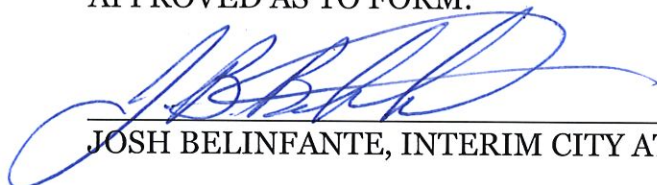
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

ORDINANCE NO. 2017-027

AMENDMENT TO ORDINANCE NO. 2017-018

Councilmember Willis and Mayor Pro Tem Rowell offer the following amendment to Ordinance No. 2017-18, entitled "Ordinance to Create Title 8 of the City of South Fulton Code of Ordinances, Traffic and Vehicles, and to establish general rules of the road for the City of South Fulton."

Revising Sec. 8-1001., regarding the adoption and incorporation of state and federal law, as follows:

Sec. 8-1001. - Adoption of State and Federal Laws

(a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the City, there is hereby adopted, as if fully set out herein, the following federal regulations:

- (1) Reference 49 C.F.R. 382, 383, 390-393, and 395-397, the Commercial Motor Vehicle Safety Act of 1986; and
- (2) The Federal "Out of Service" Criteria as amended from time to time.

(b) *Adoption of state law by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. § 40-6-1 *et seq.*, known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 and O.C.G.A. § 40-7-3 are hereby adopted as and for the traffic regulations of this City with like effect as if recited herein.

Adding Secs. 8-1010-11., regarding ATVs and Off-Road Vehicles, as follows:

Sec. 8-1010. - Operation of all-terrain and off road vehicles.

- (a) It shall be unlawful for anyone to operate an ATV on the public roads and highways within the City.
- (b) It shall be unlawful for anyone to operate an ATV or off road vehicle on any City sidewalk, City park, City trail, City shared multi-use path, City bicycle path, City recreation facility, and all other City property. (This section does not apply to authorized City employees/agencies in the performance of their duties (i.e. police officers, parks employees, etc.).

- (c) It shall be unlawful for anyone to operate an off road vehicle in the public right-of-way in residential zoning districts and in multi-family zoning districts. These specific restrictions are authorized pursuant to the State of Georgia's "Off-Road Vehicle Act of 1975", Georgia Code Annotated §§ 40-7-1 through 40-7-6.
- (d) No person shall operate an ATV or off road vehicle in a manner which violates any City ordinance regarding noise or noise levels.
- (e) Nothing in this ordinance shall prohibit or interfere with the open access of sidewalks or public infrastructure to persons with disabilities, wheelchairs, or in any way conflict with the American with Disabilities Act.

Sec. 8-1011. – Penalties for violations of Sec. 8-1010.

For any violations of Sec. 8-1010, any person violating these provisions will be subject to the following penalties:

- (a) For a first violation, the penalty will be in the amount of \$500.00.
- (b) For a second violation, the penalty will be in the amount of \$750.00.
- (c) For a third violation, the penalty shall be a minimum of 30 days in jail, not to exceed six months.
- (d) For all subsequent violations, the penalty shall be a minimum of 60 days in jail, not to exceed six months.
- (e) The effective date of this Ordinance shall be **November 1, 2017.**

The foregoing Amendment to Ordinance No. **2017-027** adopted on **October 24, 2017** was offered Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **Willis** with a friendly amendment by Mayor Pro Tem **Rowell (to set an effective date)**, and being put to a vote, the result was as follows:

“SECOND READING”

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

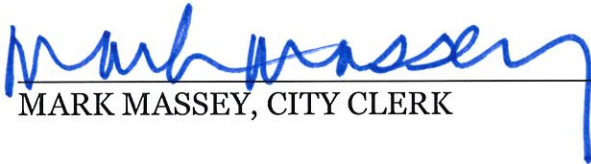
THIS ORDINANCE adopted this 24th day of October 2017. CITY OF
SOUTH FULTON, GEORGIA

“SECOND READING”



WILLIAM “BILL” EDWARDS, MAYOR

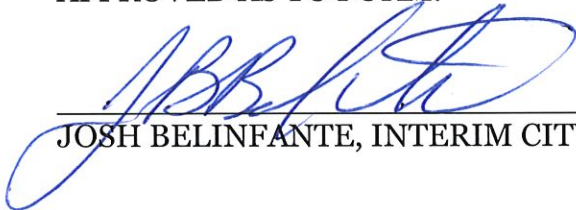
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

RESOLUTION NO. 2017-066

**A RESOLUTION IMPOSING AN ADDITIONAL 30-DAY MORATORIUM ON
THE ISSUANCE OF ALL ALCOHOL LICENSING PERMITS FOR AGE-
RESTRICTED ESTABLISHMENTS WITHIN THE CITY OF SOUTH FULTON**

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

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

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, pursuant to Section 7.16(d) of the City Charter, all Fulton County Ordinances, including the Fulton County Zoning Ordinance, remains effective in the City until the City exercises control over the area and adopts its own ordinance on the issue(s);

WHEREAS, the Mayor and City Council continue to study and make independent decisions on the licensing and regulation of age-restricted establishments which serve alcohol within the City;

WHEREAS, the City continues to establish the infrastructure necessary to issue licenses to establishments which serve alcohol within the City;

WHEREAS, a reasonable amount of time is necessary in order to accomplish such acts, particularly in the light of the City's May 1, 2017 incorporation;

WHEREAS, the Mayor and City Council need a reasonable amount of time to continue to study and decide appropriate licensing and regulation policies for the City; and

WHEREAS, the Mayor and City Council find that an additional thirty (30) day period of time to conduct review of the zoning provisions is a reasonable period of time.

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

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. During the period within the moratorium, the Mayor and City Council shall continue to study and consider revisions to the City's licensing and

regulations of age-restricted establishments which serve alcohol, which it adopted from Fulton County on April 29, 2017, effective May 1, 2017;

3. During the period within the moratorium, no applications for a rezoning, zoning variance, or other change in zoning shall be reviewed, discussed, or adopted by the Mayor and City Council;
4. During the period within the moratorium, no applications for an alcohol permit or license for an age-restricted establishment shall be reviewed, discussed, or adopted by the Mayor and City Council;
5. This moratorium covers any applications for an alcohol permit or license to be filed at any time on or after October 30, 2017;
6. The moratorium shall commence at midnight on October 30, 2017 and shall end upon thirty (30) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and City Council;
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.
8. The within resolution and moratorium shall become effective on October 30, 2017.

The foregoing Resolution No. **2017-066**, adopted on **October 24, 2017** was offered by **Mayor Pro Tem Rowell**, who moved its approval. The motion was seconded by Councilmember **Willis**, and being put to a vote, the result was as follows:

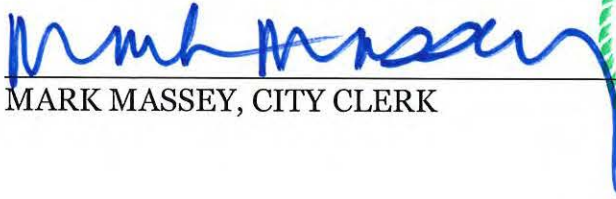
	AYE	NAY
William “Bill” Edwards, Mayor		
Catherine Foster Rowell, Mayor Pro Tem	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard	√	
Rosie Jackson	√	
khalid kamau	√	
Mark Baker	√	

THIS RESOLUTION adopted this 24th day of October 2017. CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

RESOLUTION NO. 2017-067

**RESOLUTION AUTHORIZING CONTRACT FOR ENCROACHMENT TO
CONSTRUCT SMALL PIPELINE AT WILLIAMS ROAD RIGHT OF WAY;
AND FOR OTHER PURPOSES**

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

WHEREAS, the Mayor and City Council are the governing authority of the City of South Fulton; and

WHEREAS, the Mayor and City Council are charged with the protection of health, safety, and welfare of the citizens of the City of South Fulton; and

WHEREAS, the City Council is authorized to enter into contracts with third parties; and

WHEREAS, private parties may create and maintain sewer pipelines within the City, and those sewer pipelines may encroach on the City's right of way; and

WHEREAS, S.G. Property Owner, L.P., seeks to make, install, construct, replace, maintain, repair, operate, inspect, augment, and remove an up to 6-inch sewer line through the Williams Road right of way, and the City does not object to S.G. Property Owner, L.P.'s request to do so;

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

1. The Mayor is authorized to enter into an agreement with S.G. Property Owner, L.P. ("S.G."), to authorize S.G. to make, install, construct, replace, maintain, repair, operate, inspect, augment, and remove an up to 6-inch sewer line along the Williams Road right of Way so long as S.G. shall be responsible for the cost of construction and maintenance of the pipeline as generally set forth in the proposed contract that is attached to this Resolution as "Exhibit 1."
2. The Interim City Attorney shall review and approve the contract before it is executed.

The foregoing Resolution No. **2017-067** adopted on **October 24, 2017** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Gilyard**, and being put to a vote, the result was as follows:

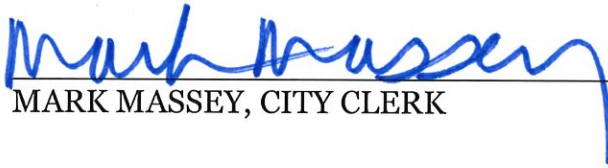
	AYE	NAY
William "Bill" Edwards, Mayor		
Catherine Foster Rowell, Mayor Pro Tem	√	
Carmalitha Lizandra Gumbs	√	
Helen Zenobia Willis	√	
Gertrude Naeema Gilyard	√	
Rosie Jackson	√	
khalid kamau	√	
Mark Baker	√	

THIS RESOLUTION adopted this 24TH day of OCTOBER 2017. **CITY OF SOUTH FULTON, GEORGIA**



WILLIAM "BILL" EDWARDS, MAYOR

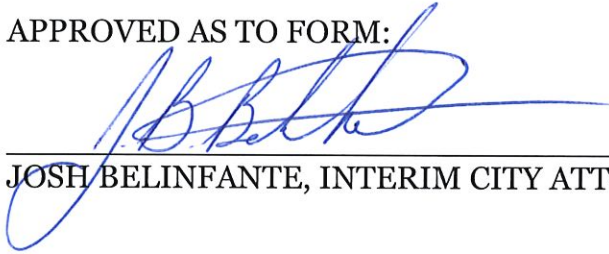
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

Exhibit 1

After recording, return to:
Larry M. Dingle
Wilson Brock & Irby, LLC
2849 Paces Ferry Rd SE STE 700
Atlanta GA 30339

AGREEMENT AND PERMIT FOR UTILITY FACILITY ENCROACHMENT

**THIS AGREEMENT AND PERMIT FOR UTILITY FACILITY
ENCROACHMENT** ("Agreement") is made this ____ day of _____, 2017 by and between
CITY OF SOUTH FULTON, a body corporate and politic and instrumentality of the State of
Georgia ("City") **TATUM ROAD PROPERTIES I, LLC, and TATUM ROAD
PROPERTIES II, LLC** both a Georgia limited liability company ("Owner"), and **SG
PROPERTY OWNER, L.P.**, a Delaware limited partnership ("Purchaser" and "Permittee").

RECITALS:

The City is a new municipal corporation formed by local legislation and referendum (Georgia Laws 2016, Page 3726). The City boundaries encompass all of what was formerly unincorporated Fulton County on July 1, 2017.

Permittee is an entity affiliated with the Owner of certain real property in the City of Palmetto, Fulton County, Georgia on which is located one or more sewer pump stations. Permittee is under contract to serve facilities located on real property also located in the City of Palmetto, Fulton County, Georgia owned by Tatum Road Properties I, LLC and Tatum Road Properties II, LLC, both Georgia limited liability companies ("Owners"). Permittee has requested permission from the City to install, operate and maintain an up to 6" sewer line in the right of way of Williams Road ("Williams ROW"), in the corporate limits of the City, to connect to a sewer line owned and operated by Fulton County, in order to serve the improvements on Owners' property

The City has not yet established its own procedures for the installation, operation and maintenance of utilities located in the City's public roads. Consequently, Fulton County's ordinance, specifically the "Fulton County Rights-of-Way Utilization and Accommodations Ordinance" codified at Fulton County Code of Laws §62-80, *et seq.* ("Utility Ordinance") controls. Unless provided in this Agreement to the contrary, the provisions of this Agreement shall be construed in accordance with the provisions of the Utility Ordinance. The obligations of Permittee under this Agreement are in addition to and not in lieu of comparable requirements set forth in the Utility Ordinance.

NOW THEREFORE, for and in consideration of Ten Dollars and No/100ths (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Permittee hereby covenant and agree as follows:

1. **Facilities.** The City hereby grants to Permittee a non-exclusive right of encroachment to: make, install, construct, replace, maintain, repair, operate, inspect, augment, and remove an up to 6-inch sewer line, and all required infrastructure to support it ("Facilities") in the Williams ROW beginning at a point 3,213 feet south of Williams Road intersection with McLarin Road and ending at a point in McLarin ROW 95 feet northeast of Williams Road intersection with McLarin Road, a total distance of 3,387 feet in public ROW., in

accordance with the plans and specifications attached hereto as **Exhibit A "Plans"**). The location of the Williams ROW is set forth in a metes and bounds description attached hereto as **Exhibit B**.

2. **No Fee Simple Property Rights.** This Encroachment Agreement is only for the purpose of placing Facilities upon public property pursuant to the terms herein and shall not create or vest any fee simple property rights in Permittee or the Owner.
3. **Other Utilities.** Prior to the commencement of any work under this permit, Permittee shall determine the location of any and all other installations for utilities upon, over, or across the Williams ROW and shall install, operate, and maintain Facilities in such manner as not to damage or interfere with the operation of other, existing facilities.
4. **Indemnity.** Permittee shall indemnify and hold harmless the City, its elected or appointed officials, officers, agents, employees, representatives, successors, and assigns from any and all suits, actions, legal or administrative proceedings, claims, debts, demands, damages, obligations, losses, judgments, charges, interest, attorneys' fees, costs, causes of action of every kind and character, whether in law or equity, and expenses of every kind, arising out of the use of Facilities by Permittee and the construction, maintenance, or removal of any structures installed by Permittee in the Williams ROW.
5. **Improvements of Roadway.** If the City undertakes to improve the Williams ROW or other City owned property adjacent thereto, it shall be the responsibility of Permittee to cooperate with the City in such endeavor provided, however, the Permittee shall not be obligated to relocate all or part of Facilities, or otherwise incur any costs in connection with this paragraph. Permittee acknowledges that the final extent of the paving where manholes are located shall be established based upon field conditions at each manhole and shall be subject to approval by the city engineer.
6. **Safety, etc.** During initial installation of Facilities or during any future repair or maintenance, or relocation thereof, Permittee shall at all times maintain flagmen, signs, lights, and other safety devices as may be necessary to properly protect traffic upon the roadway and to warn and safeguard the public against injury or damage.
7. **Surveying.** It is Permittee's responsibility to verify the limits of the Williams ROW and perform land surveying if necessary for location of Facilities authorized hereby.
8. **Abutting landowners.** No inherent or retained right or privilege of any abutting property owner is affected by this Permit nor is the City responsible for any claim which may develop between Permittee and any property owner concerning the use of the Williams ROW. Permittee is responsible for maintaining reasonable access to private driveways during installation of Facilities and for restoration of any driveways to such Owners' satisfaction. Permittee is required to replace any disturbed area with "in kind" materials through the entire area unless a satisfactory replacement is approved by the City and abutting property owner.
9. **Implied approval.** Approval of this Agreement does not constitute any warranty of fitness of design or construction details for Facilities. Permittee is responsible for compliance with all applicable governmental codes and regulations.

10. **Notice.** Permittee shall give the City 24 hours' notice prior to beginning any work permitted hereby and shall give notice promptly upon completion.
11. **Construction of Agreement.** This Agreement is transferable, with or without the consent of the City, to any party who is an affiliate, subsidiary, or parent of Permittee or to any person or entity which holds title to any of the real property benefitting from Facilities. Should Permittee transfer, sell, or otherwise dispose of the property serviced by the Facilities, the obligation to maintain the Facilities in the Williams ROW shall be assumed by the successor, purchaser, or any other person that owns and/or maintains the property connected to the Facilities.
12. **Termination.** This Agreement shall remain in effect from the date hereof and for so long as Facilities described in paragraph 1 remain in the Williams ROW.
13. **Miscellaneous.** This Agreement shall bind and benefit the parties and their respective successors and assigns. This Agreement shall be governed by and construed under the laws of the State of Georgia. The Permittee may assign this Agreement to any parent, affiliate, or subsidiary of Permittee, to any partnership or joint venture in which Owner participates or has an interest, to any person who takes title to the real property owned by Owner, to any lender or mortgagee of said real property, or to any entity in which Owner or any of Owner's successors in interest have an ownership interest.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Signed and sealed in the presence of:

Unofficial Witness

Notary Public (SEAL)

RECOMMENDED:
(DEPARTMENT OF PUBLIC WORKS)

Name: J. Bennett White

Title: City Engineer

CITY OF SOUTH FULTON, a
municipality organized under the laws of the
State of Georgia

By: William Edwards

Name: William Edwards

Title: MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

[Signatures continue on following page]

Signed and sealed in the presence of:

Alyssa M. Delgado

Unofficial Witness

KAREN GREEN
NOTARY PUBLIC OF CONNECTICUT

I.D. # 174549

Notary Public (SEAL)

My Commission Expires July 31, 2022

Robert Stewart

Unofficial witness



Patsy Hightower

Notary Public (Seal)

Notary Public, Coweta County, Georgia

My Commission Expires August 22, 2021

Robert Stewart

Unofficial witness

Patsy Hightower

Notary Public (Seal)

Notary Public, Coweta County, Georgia

My Commission Expires August 22, 2021

97444.1 (7/1733-000001)



PERMITTEE S G Property owner
a Delaware Limited Partnership

By: [Signature]

Name: Garret Overlock

Title: Vice President

OWNER Tatum Rd. Properties I
a Georgia limited liability company

By: [Signature]

Name: Mark A. Shugart

Title: manager

OWNER Tatum Rd. Properties II
a Georgia limited liability company

By: [Signature]

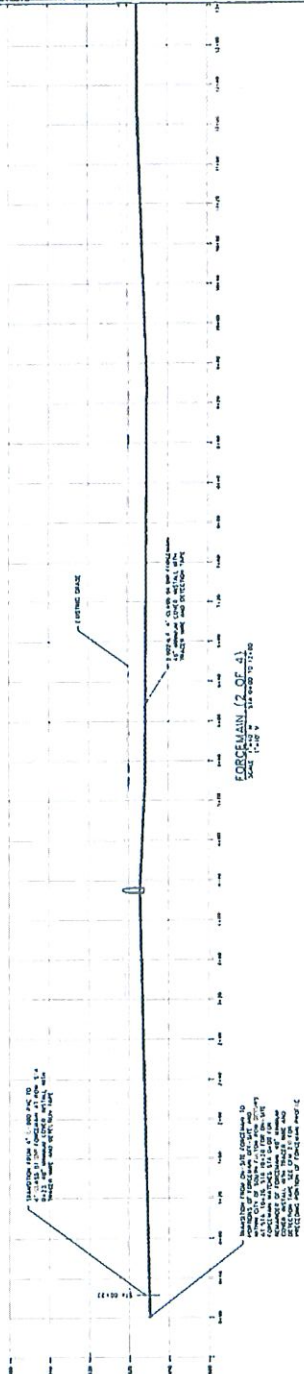
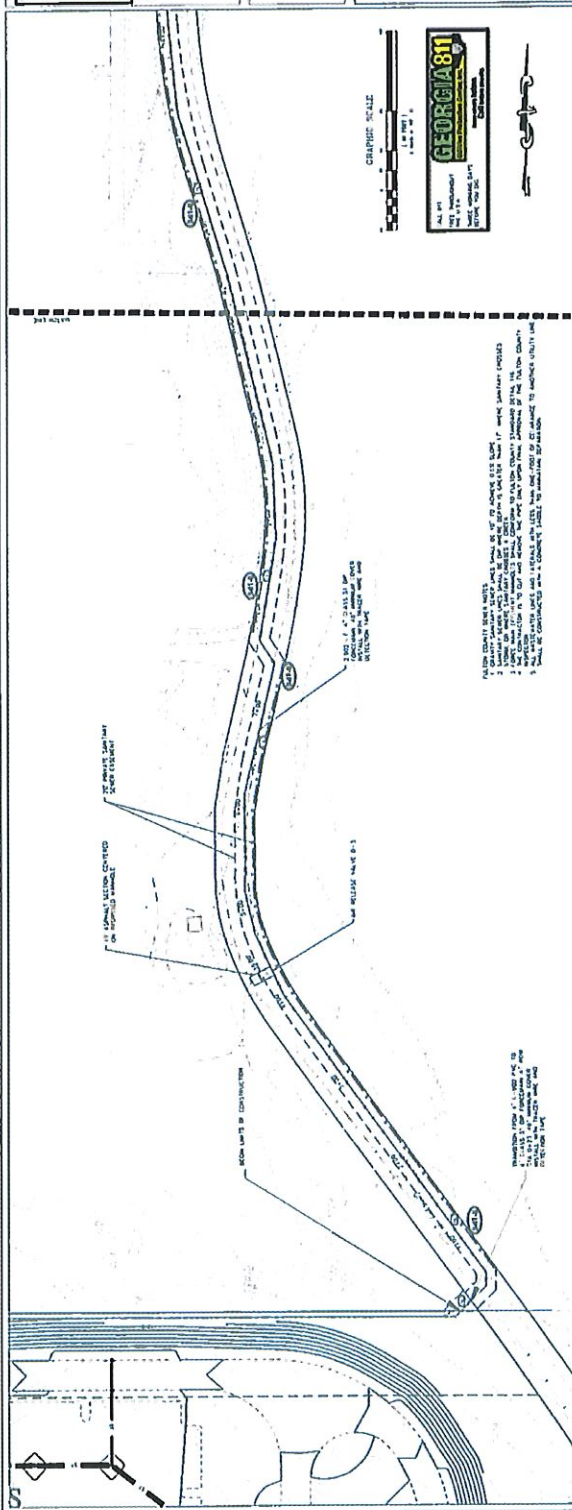
Name: Mark A. Shugart

Title: manager

EXHIBT "A" (The Plans)

[SEE ATTACHED]

DATE	BY	DESCRIPTION
5/2/78	ED	INTERMEDIATE
5/4/78	ED	PORTLAND, ME
5/11/78	ED	ALTON, CT
5/17/78	ED	LONG BEACH, CA
5/24/78	ED	PHILADELPHIA, PA
5/31/78	ED	ALBANY, NY
6/7/78	ED	PHILADELPHIA, PA
6/14/78	ED	PHILADELPHIA, PA
6/21/78	ED	PHILADELPHIA, PA
6/28/78	ED	PHILADELPHIA, PA



CF2.2

SHEET NO

16-093

ON. 19710904

DATE	06/20/17
FORM BY	W. C. HARRIS
PROJECT MANAGER	W. C. HARRIS
BY/OC CHECK	W. C. HARRIS

[illegible]

SABEN TATUM ROAD
SHUGART AREA 3A
LAND LOT 125 & 132
7TH DISTRICT
FULTON COUNTY, GEORGIA

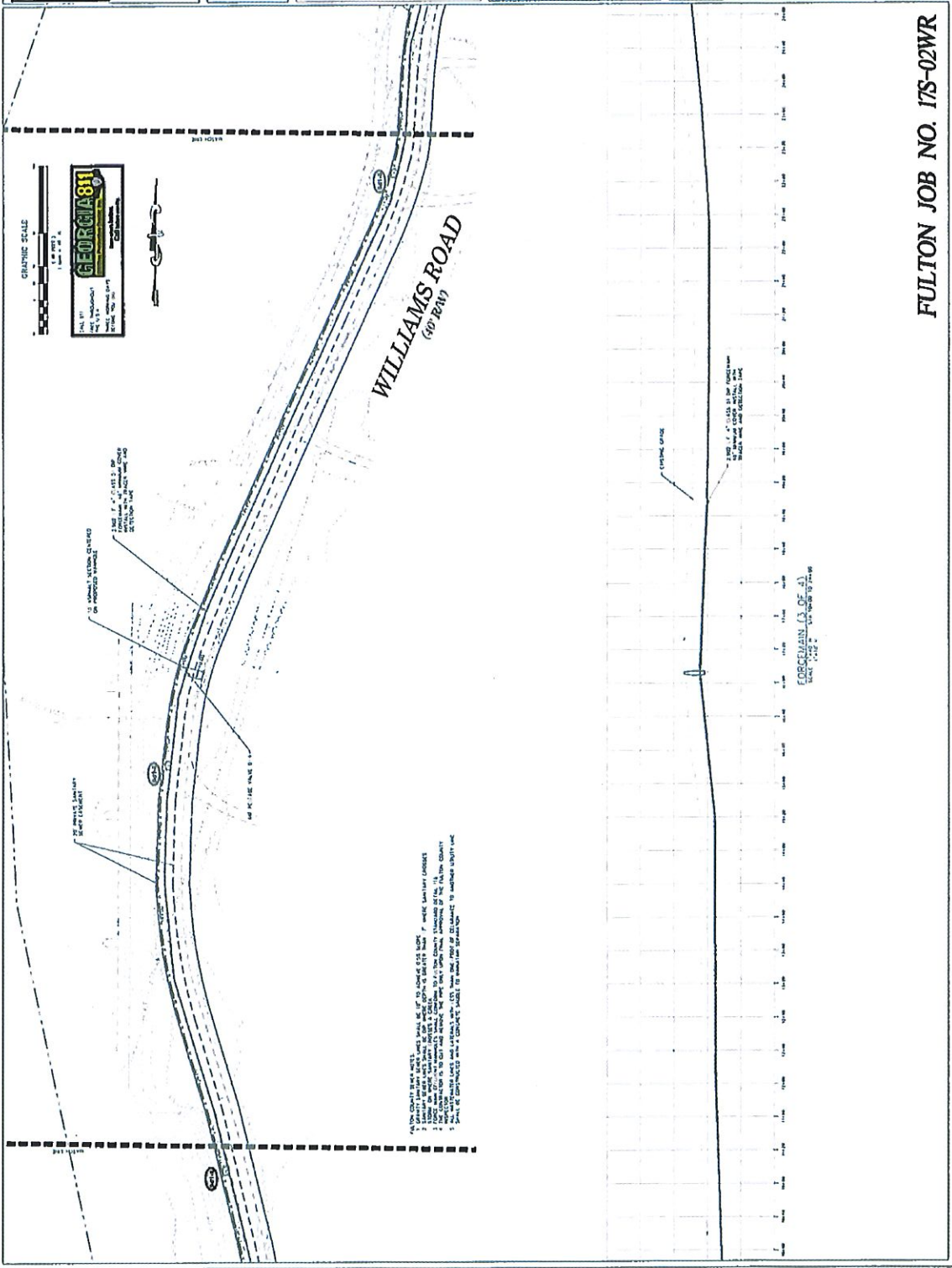


INDEPENDENT

Worship

1. *Quercus agrifolia* (Oak)
 2. *Quercus agrifolia* (Oak)
 3. *Quercus agrifolia* (Oak)

STEVENS & ASSOCIATES





ENGINEERING FIRM
10000 N. ALABAMA AVE.
ALABAMA, ALABAMA 36851
PHONE (205) 833-1111
FAX (205) 833-1112
WWW.EA-ALABAMA.COM



PROJECT
SABEN TATUM ROAD
SHUGART AREA 3A
LAND LOT 125 & 132
FULTON COUNTY, GEORGIA

REVISIONS
1. 01/10/01
2. 01/10/01
3. 01/10/01
4. 01/10/01
5. 01/10/01
6. 01/10/01
7. 01/10/01
8. 01/10/01
9. 01/10/01
10. 01/10/01

PROJECT NO.
16-093
SHEET NO.
CF2.3

FORCE MAIN
4 OF 4
SCALE
1" = 40'
DATE
09/29/11
DRAWN BY
A. GIBBS
CHECKED BY
B. GIBBS

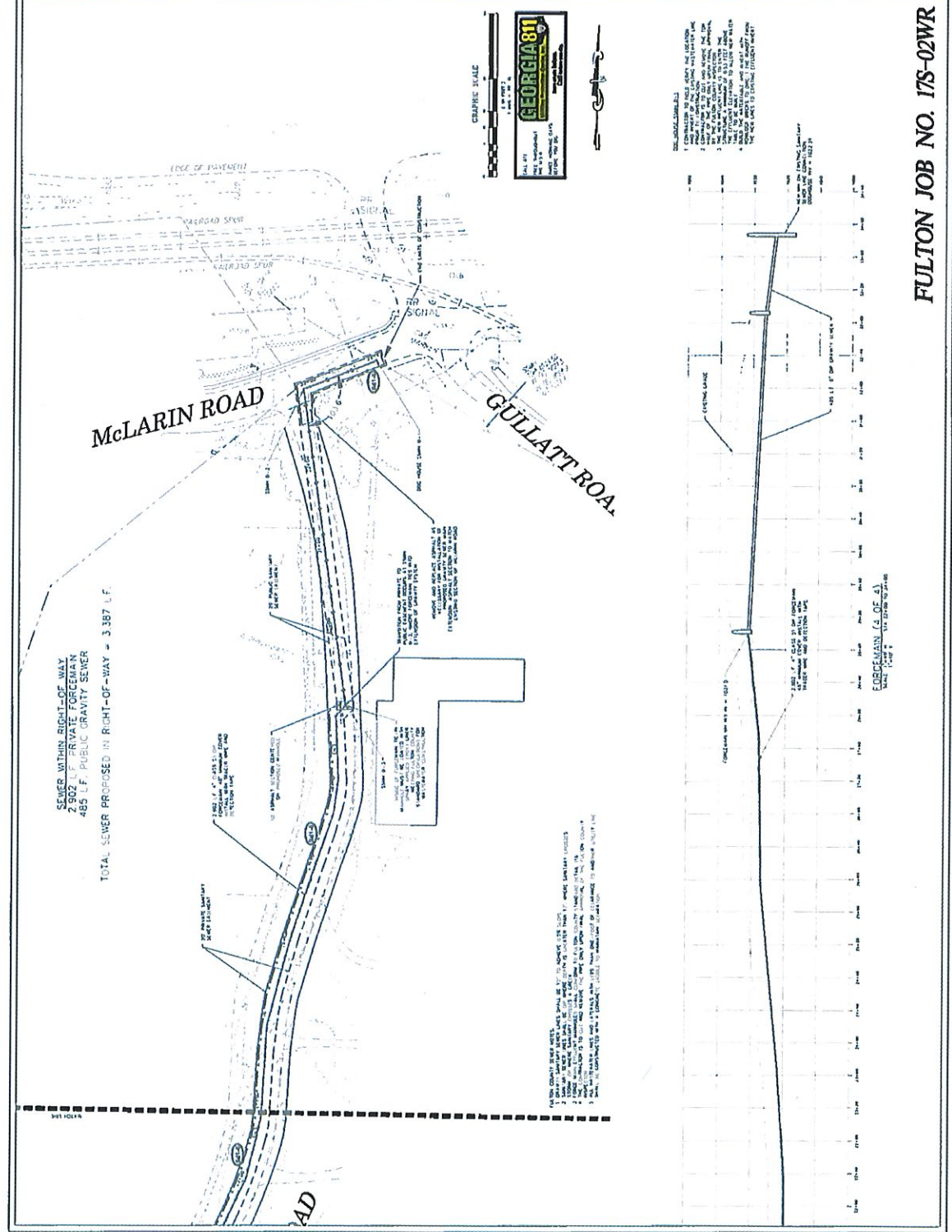


EXHIBIT "B"

Williams Road 20-foot Sewer Easement (10/09/17)

All that tract or parcel of land lying and being in Land Lots 133 and 134 of the 7th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a point located at the intersection of the Westerly right-of-way line of Williams Road (40-foot right-of-way) with the Land Lot Line common to 132 and 133; Thence along the Westerly right-of-way line of Williams Road North 37 degrees 09 minutes 33 seconds West, a distance of 2.53 feet to a point, said point being the TRUE POINT OF BEGINNING; Thence North 37 degrees 09 minutes 33 seconds West, a distance of 20.23 feet to a point; Thence North 44 degrees 08 minutes 34 seconds East, a distance of 15.74 feet to a point; Thence North 00 degrees 51 minutes 26 seconds West, a distance of 7.50 feet to a point; Thence North 37 degrees 09 minutes 33 seconds West, a distance of 31.84 feet to a point; Thence North 37 degrees 04 minutes 28 seconds West, a distance of 150.43 feet to a point; Thence North 36 degrees 45 minutes 16 seconds West, a distance of 135.45 feet to a point; Thence along a curve to the right having an arc length of 92.69 feet, with a radius of 326.15 feet, being subtended by a chord bearing of North 28 degrees 36 minutes 45 seconds West, for a distance of 92.38 feet to a point; Thence along a curve to the right having an arc length of 65.60 feet, with a radius of 191.75 feet, being subtended by a chord bearing of North 10 degrees 40 minutes 10 seconds West, for a distance of 65.28 feet to a point; Thence North 01 degrees 11 minutes 50 seconds West, a distance of 64.82 feet to a point; Thence North 07 degrees 37 minutes 48 seconds East, a distance of 53.71 feet to a point; Thence North 11 degrees 58 minutes 11 seconds East, a distance of 95.05 feet to a point; Thence North 33 degrees 01 minutes 49 seconds West, a distance of 28.47 feet to a point; Thence along a curve to the left having an arc length of 93.27 feet, with a radius of 953.19 feet, being subtended by a chord bearing of North 08 degrees 12 minutes 19 seconds East, for a distance of 93.24 feet to a point; Thence along a curve to the left having an arc length of 113.42 feet, with a radius of 335.81 feet, being subtended by a chord bearing of North 04 degrees 16 minutes 27 seconds West, for a distance of 112.89 feet to a point; Thence North 14 degrees 29 minutes 22 seconds West, a distance of 169.67 feet to a point; Thence North 17 degrees 46 minutes 40 seconds West, a distance of 108.08 feet to a point; Thence along a curve to the right having an arc length of 153.20 feet, with a radius of 671.35 feet, being subtended by a chord bearing of North 11 degrees 14 minutes 25 seconds West, for a distance of 152.87 feet to a point; Thence North 06 degrees 16 minutes 19 seconds West, a distance of 21.22 feet to a point; Thence North 00 degrees 44 minutes 18 seconds East, a distance of 102.35 feet to a point; Thence North 05 degrees 20 minutes 27 seconds East, a distance of 88.96 feet to a point; Thence along a curve to the right having an arc length of 127.94 feet, with a radius of 440.84 feet, being subtended by a chord bearing of North 13 degrees 39 minutes 18 seconds East, for a distance of 127.49 feet to a point; Thence North 20 degrees 45 minutes 56 seconds East, a distance of 74.67 feet to a point; Thence North 22 degrees 56 minutes 06 seconds East, a distance of 196.26 feet to a point; Thence North 23 degrees 18 minutes 18 seconds East, a distance of 133.01 feet to a point; Thence North 23 degrees 40 minutes 45 seconds East, a distance of 101.51 feet to a point; Thence along a curve to the left having an arc length of 97.59 feet, with a radius of 595.49 feet, being subtended by a chord bearing of North 18 degrees 59 minutes 03 seconds East, for a distance of 97.48 feet to a point; Thence along a curve

to the left having an arc length of 36.97 feet, with a radius of 148.00 feet, being subtended by a chord bearing of North 07 degrees 07 minutes 58 seconds East, for a distance of 36.87 feet to a point; Thence North 02 degrees 19 minutes 55 seconds East, a distance of 69.02 feet to a point; Thence North 05 degrees 36 minutes 03 seconds East, a distance of 35.50 feet to a point; Thence along a curve to the right having an arc length of 37.62 feet, with a radius of 461.67 feet, being subtended by a chord bearing of North 07 degrees 56 minutes 07 seconds East, for a distance of 37.61 feet to a point; Thence North 15 degrees 19 minutes 27 seconds East, a distance of 73.28 feet to a point; Thence North 17 degrees 07 minutes 08 seconds East, a distance of 96.09 feet to a point; Thence North 18 degrees 25 minutes 01 seconds East, a distance of 39.94 feet to a point; Thence North 15 degrees 59 minutes 44 seconds East, a distance of 29.25 feet to a point; Thence along a curve to the left having an arc length of 35.96 feet, with a radius of 102.20 feet, being subtended by a chord bearing of North 05 degrees 54 minutes 56 seconds East, for a distance of 35.77 feet to a point; Thence North 03 degrees 33 minutes 48 seconds West, a distance of 78.79 feet to a point; Thence North 41 degrees 26 minutes 12 seconds East, a distance of 16.63 feet to a point; Thence North 08 degrees 50 minutes 59 seconds West, a distance of 393.40 feet to a point; Thence North 67 degrees 33 minutes 26 seconds East, a distance of 112.87 feet to a point; Thence South 22 degrees 26 minutes 34 seconds East, a distance of 20.00 feet to a point; Thence South 67 degrees 33 minutes 26 seconds West, a distance of 97.13 feet to a point; Thence South 08 degrees 50 minutes 59 seconds East, a distance of 387.04 feet to a point; Thence South 41 degrees 26 minutes 12 seconds West, a distance of 17.73 feet to a point; Thence South 03 degrees 33 minutes 48 seconds East, a distance of 70.41 feet to a point; Thence along a curve to the right having an arc length of 42.89 feet, with a radius of 122.20 feet, being subtended by a chord bearing of South 05 degrees 56 minutes 28 seconds West, for a distance of 42.67 feet to a point; Thence South 15 degrees 59 minutes 44 seconds West, a distance of 29.67 feet to a point; Thence South 18 degrees 25 minutes 01 seconds West, a distance of 40.13 feet to a point; Thence South 17 degrees 07 minutes 08 seconds West, a distance of 95.55 feet to a point; Thence South 15 degrees 19 minutes 27 seconds West, a distance of 72.08 feet to a point; Thence along a curve to the left having an arc length of 35.12 feet, with a radius of 441.67 feet, being subtended by a chord bearing of South 07 degrees 52 minutes 43 seconds West, for a distance of 35.11 feet to a point; Thence South 05 degrees 36 minutes 03 seconds West, a distance of 34.93 feet to a point; Thence South 02 degrees 19 minutes 55 seconds West, a distance of 68.05 feet to a point; Thence along a curve to the right having an arc length of 41.54 feet, with a radius of 168.00 feet, being subtended by a chord bearing of South 07 degrees 12 minutes 19 seconds West, for a distance of 41.44 feet to a point; Thence along a curve to the right having an arc length of 100.87 feet, with a radius of 615.49 feet, being subtended by a chord bearing of South 18 degrees 59 minutes 03 seconds West, for a distance of 100.76 feet to a point; Thence South 23 degrees 40 minutes 45 seconds West, a distance of 101.45 feet to a point; Thence South 23 degrees 18 minutes 18 seconds West, a distance of 132.88 feet to a point; Thence South 22 degrees 56 minutes 06 seconds West, a distance of 195.82 feet to a point; Thence South 20 degrees 45 minutes 56 seconds West, a distance of 74.50 feet to a point; Thence along a curve to the left having an arc length of 122.34 feet, with a radius of 420.84 feet, being subtended by a chord bearing of South 13 degrees 40 minutes 09 seconds West, for a distance of 121.91 feet to a point; Thence South 05 degrees 20 minutes 27 seconds West, a distance of 88.16 feet to a point; Thence South 00 degrees 44 minutes 18 seconds West, a distance of 100.32 feet to a point; Thence South 06 degrees 16 minutes 19 seconds East, a distance of 20.27 feet to a point; Thence along a curve to the left

having an arc length of 148.91 feet, with a radius of 651.35 feet, being subtended by a chord bearing of South 11 degrees 13 minutes 42 seconds East, for a distance of 148.58 feet to a point; Thence South 17 degrees 46 minutes 40 seconds East, a distance of 108.66 feet to a point; Thence South 14 degrees 29 minutes 22 seconds East, a distance of 170.33 feet to a point; Thence along a curve to the right having an arc length of 120.27 feet, with a radius of 355.81 feet, being subtended by a chord bearing of South 04 degrees 16 minutes 55 seconds East, for a distance of 119.70 feet to a point; Thence along a curve to the right having an arc length of 87.11 feet, with a radius of 973.19 feet, being subtended by a chord bearing of South 07 degrees 57 minutes 58 seconds West, for a distance of 87.08 feet to a point; Thence South 33 degrees 01 minutes 49 seconds East, a distance of 28.71 feet to a point; Thence along a curve to the right having an arc length of 4.15 feet, with a radius of 993.19 feet, being subtended by a chord bearing of South 11 degrees 51 minutes 00 seconds West, for a distance of 4.15 feet to a point; Thence South 11 degrees 58 minutes 11 seconds West, a distance of 98.44 feet to a point; Thence South 07 degrees 37 minutes 48 seconds West, a distance of 51.41 feet to a point; Thence South 01 degrees 11 minutes 50 seconds East, a distance of 63.34 feet to a point; Thence along a curve to the left having an arc length of 58.82 feet, with a radius of 171.75 feet, being subtended by a chord bearing of South 10 degrees 39 minutes 36 seconds East, for a distance of 58.53 feet to a point; Thence along a curve to the left having an arc length of 87.01 feet, with a radius of 306.15 feet, being subtended by a chord bearing of South 28 degrees 36 minutes 45 seconds East, for a distance of 86.72 feet to a point; Thence South 36 degrees 45 minutes 16 seconds East, a distance of 135.40 feet to a point; Thence South 37 degrees 04 minutes 28 seconds East, a distance of 150.36 feet to a point; Thence South 37 degrees 09 minutes 33 seconds East, a distance of 38.38 feet to a point; Thence South 00 degrees 51 minutes 26 seconds East, a distance of 22.34 feet to a point; Thence South 44 degrees 08 minutes 34 seconds West, a distance of 27.08 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said easement area contains 1.549 Acres.

EXHIBT "B-1" (Easement Location Map)



97444.1 171733-000001