



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

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Consent Agenda
 - a. Meeting Minutes - Friday, September 7, 2018, Special Called Meeting.
 - b. Meeting Minutes - Tuesday, September 11, 2018, Work Session and Regular Meeting.
 - c. Meeting Minutes- Tuesday, September 18, 2018, Special Called Meeting.
 - d. Proclamation - Pastor Sylvia Carter Ministries Day, Friday, September 14, 2018. **(Edwards)**
 - e. Request approval of an emergency purchase for police laptops not to exceed \$70,000.00. There is a critical need to equip incoming personnel with Toughbook Laptops as a vital function of day-to-day operations.
 - f. Request approval of emergency roof repairs at Fire Stations 1, 3, and 7 not to exceed \$130,000.00. Staff is attempting to have the costs incurred in FY2018.

- g. Request approval of Charles Abbott Associates, LLC contract renewal - Building Inspection Services for FY2019. **(Agr2018-031)**
- h. Request Approval of Resolution accepting the Cambridge Meadows Subdivision Right-Of-Way Deed and for other lawful purposes. **(Res2018-058)**

5. Approval of the Regular Meeting Agenda

6. Public Comment

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. Please present your speaker card prior to the commencement of the public comment period.

7. Business

a. Rezoning, Modifications, Variances (Public Hearings)

Speakers will be granted up to a total of ten minutes when speaking either for or against each case. Please present a speaker card when approaching the podium.

- i. Request for modification - **M18-005 Applicant. (District 1)**
Modification of three conditions identified in 1985 zoning case Z85-014 so that the applicant may comply with the traditional building height and freestanding signage regulations of the zoning district and amend the adopted site plan at 3900 Cascade Road. DEFERRED by Council on August 28, 2018.
- ii. Request for use permit - **U18-002 Applicant. (District 3)**
Use permit for a group residence for 5 to 8 children at 3910 Old Fairburn Road.
- iii. Request for rezoning - **Z18-008 Applicant. (District 7)**
Rezoning from MIX with conditions (Mixed-Use District) to C-1 (Community Business District) and to consider a change in the Comprehensive Plan's future land use designation from Suburban II Neighborhood to Community Live-Work for two hotels on Ella Lane (Parcel ID 09F070300260401).

b. Resolutions

- i. Resolution establishing the 2019 City of South Fulton Football Jamboree and for other lawful purposes. **(Willis - Res2018-055)**
- ii. Resolution on expected standards of communication and for other lawful purposes. **(Willis and Gumbs - Res2018-056)**
- iii. Resolution ensuring parity of pay and for other lawful purposes. **(khalid - Res2018-057)**

c. Ordinances

- i. **[SECOND READING]** Ordinance amending the City of South Fulton Hotel and Motel Taxation Ordinance and for other lawful purposes. **(Willis - Ord2018-039)**
 - ii. **[FIRST READING]** Ordinance to establish telecommunications standards and for other lawful purposes. **(Rowell - Ord2018-040)**
- d. Action Items
 - i. Request approval of the Youth Athletic Association Interim Plan (2018 Youth Football Season)
 - ii. Request approval of an IGA for Public Works with the City of Peachtree Corners.
- 8. Chief Financial Officer's Report
 - a. Income and Expenditure Financial Report, as of August 31, 2018.
- 9. City Manager's Report
 - a. Monthly Report to Elected Officials - August 2018.
- 10. City Attorney's Report
- 11. Mayor and City Council Comments (Two minutes each)
- 12. Executive Session (CLOSED), if necessary
- 13. Adjournment



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Meeting Minutes - Friday, September 7, 2018, Special Called Meeting

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Minutes_2018_9_7	Cover Memo	9/19/2018



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (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)

SPECIAL MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 10:03 am. Following the roll call by the City Clerk, a quorum was present.

2. Discussion Items

Minutes:

Since the City Attorney was present, the Mayor requested the City Clerk to sound letters b. and c., prior to the consideration of the Budget-related items, letter a.

- a. Consideration of FY2018 and FY2019 Budget reallocations.
(City Manager)**

Motion (Authorize): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Removed]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Motion a.

The City Manager made a presentation to the City Council detailing a memo dated September 6, 2018, titled Summarized Explanation for Proposed Changes to Adopted FY2018 Budget, expenditures for City Manager, City Clerk, Finance & Administration, Police and General Services. He requested the City Council approve the amendments as presented.

A motion was made to allocate/authorize up to \$50,000.00 to help clear and cut rights-of-way throughout/across the City.

1. A friendly amendment was made by Councilmember Gilyard to increase the allocation to at least \$100,000.00 and include some trash pickup. The friendly amendment was accepted, thereby allocating the funding from the General Fund, General Services budget line item.
2. The motion was withdrawn.

The City Manager recommended that the City Council allow him to work with Fulton County for/over the next 23 days to get some of these requests carried out, through the current arrangement with Fulton County.

Motion (Amend): Mayor Pro Tem Baker

Second: Councilmember khalid

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Motion b.

A motion was made to amend the FY2018 Budget, as presented by the City Manager. The motion passed unanimously.

Motion (Lay on the Table): Councilmember Jackson

Second: Councilmember Gilyard

[Motion Failed for Lack of Second]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Following the closed executive session, a discussion was held regarding the FY2019 budget.

Motion c.

A motion was made to suspend/table the FY2019 budget discussion. The second was withdrawn, therefore the motion failed for a lack of a second.

A presentation was made by CFO Frank Milazi regarding FY2019 budget reallocation requests. Following his presentation, Councilmembers identified various interests and priorities.

b. Consideration of a revised Truck Ordinance. (City Attorney)

Minutes:

The City Attorney began her presentation indicating that a meeting was held earlier regarding a number of proposed or requested items/changes, a.k.a. concessions, to the Trucking Ordinance, including the following:

1. Lifting the restriction along Cascade Rd. from Atlanta to Fairburn Rd. and from West Park Pkwy. to Fulton Industrial Blvd.;
2. Lifting the Cascade Palmetto Hwy. restriction;
3. Lifting the restriction along Buffington Rd. from Roosevelt Hwy. to South Fulton Pkwy. on the north end and from Royal Park on the South end;
4. Lifting the restriction along Stone Wall Tell Rd. from South Fulton Pkwy. through Roosevelt Hwy.;
5. Lifting the restriction to allow turning onto Welcome Rd. from Roosevelt Hwy. up to the Welcome All Rd. bridge;
6. Lifting the restriction on the small stretch of Riverside Dr. between Campbellton Rd. and Plummer Rd.;
7. Lifting the restriction on Fairburn Rd. north of Cascade Rd. to Atlanta (Utoy Creek Bridge) (Note: Applebee's and McDonalds are on Cascade before you get to Fairburn Rd. from I-285, so the current section of Cascade Rd. that allows trucks provides them with direct access); and,
8. Changing the weight classification from 6,000 to 26,000 lbs. Per O. C.G.A. § 40-5-142.

In addition, she indicated that there are more recent requests for concessions, as follows:

1. Allowing trucks to enter onto Derrick Rd. from South Fulton Parkway, where Union City has jurisdiction for access to a commercial facility;
2. Lifting restriction on the other half of Flat Shoals to the east of the Body of Christ;
3. Lifting restriction on Feldwood Rd. up to Royal South Parkway;
4. Lifting restriction north of Flat Shoals to the industrial buildings on Buffington Rd.; and,
5. Lifting restriction on a street off of South Fulton Parkway between Jones Rd. and Short Rd. denoted in red.

Mayor Edwards requested the City Attorney to look into the potential Home Rule issues.

Councilmember Willis requested the City Attorney to revise the ordinance to

indicate that this ordinance is an amendment to the original ordinance, and to red-line the changes.

From the dais, Mayor Edwards conducted a straw poll of the City Councilmembers to determine whether or not the City will hold the line on the original concessions, not including the latest requests noted above (1-5).

Following the straw poll, he indicated that everyone was in agreement with making no further concessions.

- c. Presentation and consideration of options, documents, and a discussion regarding sanitation services. **(City Attorney)**

Motion (Approve): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 1 khalid

Abstain: 0

Not Voting: 0

Minutes:

The City Attorney indicated that the City needs to get (establish) the third service required, in order to establish the City's status as a qualified municipality, in addition to police and fire services. She recommended consideration of an emergency ordinance establishing procurement policies for the City, and to put the control of procurement in the hands of the City rather than relying on Fulton County's ordinances and process.

She also recommended consideration of the first reading of a permanent ordinance that establishes the procurement policies for the City.

A motion was made to move forward with (approve) the emergency ordinance and the first reading of the non-emergency ordinance for procurement (an ordinance providing procurement policies and for other lawful purposes), as is. The motion passed, 6-1-0.

3. Executive Session (CLOSED), if necessary

Motion (Recess): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Motion a.

A motion was made to recess for closed executive session to discuss personnel, litigation and real estate.

The closed executive session began at 11:49am and ended at 1:46pm.

Motion (Other): Councilmember Gilyard

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

At the request of Mayor Edwards, the City Clerk announced that there was no action taken during the executive session.

Motion b.

A motion was made to close the executive session. The motion passed unanimously.

4. Adjournment

Motion (Adjourn): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the special called meeting. The motion passed unanimously.

The meeting adjourned at 2:36 pm.



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Meeting Minutes - Tuesday, September 11, 2018, Work Session and Regular Meeting

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Minutes_2018_09_11	Cover Memo	9/19/2018



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (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)

WORK SESSION MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 5:06pm. Following the roll call by the City Clerk, a quorum was present.

2. Discussion Items

- a. WorkSource Aerotropolis Presentation - Mr. Clinton E. Covington, Business Outreach and Program Manager. **(Willis)**

Minutes:

Mr. Covington presented the WorkSource Aerotropolis program to the Mayor and Council. He described the worksource training and apprenticeship programs.

Following the presentation, Council had discussion and thanked Mr. Covington for the detailed information concerning the programs.

- b. Parks & Recreation Youth Athletic Association & Parks Master Plan Process Presentation - Mr. Tony Phillips, Parks & Recreation Director.

Minutes:

Mr. Phillips gave a presentation outlining the Parks & Recreation Department.

Following the presentation there were questions from Council which Mr. Phillips answered: Councilmember Jackson: sliding fee scale, concession stand fees going to children programming, making sure the lights are working and replacing the light pole. Councilmember Willis: association fees paid. Councilmember Rowell: IT Department to meet with Sandtown and vendor concession splits.

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- c. Hotel/Motel Tax Presentation - Mr. Christopher Pike, Economic Development Administrator.

Minutes:

Mr. Pike gave presentation on hotel/motel tax concerning all options for an increase to the percentages for South Fulton, GA.

Following the presentation, Council had discussion and questions which Mr. Pike addressed/answered. Councilmember Willis: retaining 3% of tax for Arts and using tax money for reserve fund. Councilmember khalid asked if tax money could be used to fund a development authority. Councilmember Gilyard stressed the importance of planning before any major decisions are made.

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- d. Building a Relationship between Entertainment and Government Presentation - Ms. LaRonda Sutton, Founder of Entertainment.Gov. **(Baker)**

Minutes:

HEARD/MOVED to the Regular Meeting Agenda due to time restraints.

Ms. Sutton gave a presentation on how government and the entertainment industry can work together, and create resources for their respective municipalities.

There followed a question and answer session with Council and discussions on how South Fulton can benefit from the film industry.

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- e. Partnership for Southern Equity Presentation - ~~Mr.~~ Ms.Wan R. Smith. **(Baker)**

Minutes:

HEARD/MOVED to the Regular Meeting Agenda due to time restraints.

Ms. Smith presented information on energy equity, a fair distribution of the benefits and burdens of energy production and consumption. She described how the Partnership for Southern Equity educates low-income and communities of color about the sourcing of power (utilities) generation in Georgia.

Mayor and Council thanked Ms. Smith for the information followed with discussion on the inequity of energy consumption in communities. The Council inquired regarding more details on the Energy Summit and Ms. Smith provided the two-day program outline.

Ms. Smith invited Mayor and Council to consider sending a three to six person delegation to attend Just Energy Summit on September 21-22, 2018, Morehouse College.

3. Executive Session (CLOSED), if necessary

Motion (Recess): Councilmember Willis

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to recess for closed executive session for personnel, real estate, and litigation at 6:25pm. The motion passed unanimously.

4. Adjournment

Motion (Adjourn): Councilmember Gilyard

Second: Councilmember Rowell

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

The City Clerk deferred to the City Attorney who announced there was no action taken during the executive session.

A motion was made to close executive session and adjourn the work session. The motion passed unanimously.

The executive session began at 6:30pm an ended at 6:58pm.

The work session adjourned at 7:01pm.

Mark Massey, City Clerk



DIVIDER SHEET



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (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)

REGULAR MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 7:01pm. Following the roll call by the City Clerk, a quorum was present.

2. Invocation

Minutes:

The invocation was rendered by Pastor Warren L. Henry, Sr.

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

Motion (Approve as Amended): Councilmember khalid

Second: Councilmember Jackson

[Motion Passed]

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

Minutes:

A correction was made to the Tuesday, August 28, 2018 Regular Meeting Minutes . Res2018-047, Election Day as a Holiday; the vote of 4-3-0 should be changed to 6-1-0, as noted by Councilmember khalid and the Communications team.

A motion was made to approve the Consent Agenda, as amended. The motion passed unanimously.

- a. Meeting Minutes - Tuesday, August 28, 2018, Work Session and Regular Meeting.
- b. Meeting Minutes - Friday and Saturday, August 24-25, 2018, Special Called Meeting (Strategic Planning).
- c. Proclamation - Rev. Paul H. Easley, Sr. Appreciation Day, Friday, September 7, 2018. **(Edwards)**

5. Approval of the Regular Meeting Agenda

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

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

Minutes:

Councilmember Willis requested to add Ord2018-039, Hotel and Motel Taxation to the Regular Meeting Agenda.

A motion was made to approve the Regular Meeting Agenda, as amended. The motion passed unanimously.

6. Public Comment

- a. Public Comment on City related matters.

Minutes:

- **Mr. Anthony B. Williams, District 1 - concerned with the relationship between the YAAs and Parks and Recreation. He would like Council to consider**

amending the current Ordinance relating to CivicRec.

- Mr. Clifton Rainey, District 2 - Walden Park HOA VP, invited the Mayor and City Manager to the Community Day event on September 29th and invited the 1st Responders who will receive their invitations from the President.
 - Ms. April Rogerson, District 3 - concerned with the truck ordinance. For residents, it is a hazard issue and a property value issue. Residents do not want trucks coming down our streets.
 - Ms. Edwina D. Dixon, District 2 - concerned with our youth and crime in the City. Since youth use so many park facilities you should use parks and recreation monies for programs to keep them away from crime.
 - Mr. Emmanuel Rainey and Mr. Kevin Smith - Old National Merchants Association Board Members. Announced this Saturday, September 15th, they will have the Old National 5K Run/Walk and invited all to attend.
 - Ms. Glenda Collins, District 5 - concerned with budget and fund balance percentage. New website is difficult to follow. She thanked the staff for all the help and information to get citizens to the meetings.
 - Ms. Debra Bonaparte, District 6 - previously asked about the loss of green space and has not heard from anyone. She thinks wildlife and wetlands are an attraction to the area. She gave her phone number for anyone/someone to contact her.
-

b. Public Hearing on Budget

Minutes:

The Mayor opened the floor for the Budget hearing.

There were no comments regarding the Budget.

c. Public Hearing on Alcohol License - Harold's Chicken and Ice Bar.

Motion (Approve): Mayor Pro Tem Baker

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff gave a description of Harold's Chicken and Ice Bar located at 5495 Old National Highway and their recommendation for approval of an alcohol license.

the Mayor opened the public hearing.

Ms. Terrin Rutherford, Owner, spoke and asked for approval. She indicated they will support the community. The opening is on September 25, 2018 and all are invited.

A motion was made to approve the alcohol license for Harold's Chicken and Ice Bar. The motion passed unanimously.

7. Business

a. Resolutions

- i. ~~Resolution to adopt the City of South Fulton Fiscal Year 2019 Final Budget. Adopting the several items of revenue anticipations and appropriating the amounts showing in each fund as expenditures. Prohibiting expenditures or expenses from exceeding the actual funding available. (Res2018-058)~~

Motion (Approve): Councilmember Gilyard

Second: Councilmember Willis

[Motion Passed]

Yea: 6 Baker, Gilyard, Jackson, khalid , Rowell, Willis

Nay: 0

Abstain: 1 Gumbs

Not Voting: 0

Minutes:

The City Manager announced that under the advisement of the CFO, they would like to move the FY2019 Resolution to the September 18, 2018 meeting.

CFO Mr. Milazi gave a presentation which included an overview of the FY2019 Budget. He indicated a more in depth presentation will be presented during the budget meeting, followed by comments and discussion from the Mayor and City Council.

The City Manager suggested a polling of Council to determine the date and time of the budget meeting, no later than September 19, 2018.

A motion was made to approve the FY2019 Budget meeting, for no later than September 19, 2018, pending polling results, and move up the Regularly scheduled meeting on Tuesday, September 25, 2018 to Monday, September 24, 2018, in order to accomodate Council's participating in training. The motion passed, 6-1-0.

b. Ordinances

- i. **[SECOND READING]** Ordinance amending Title 12, Licenses, Permits and Business Regulations, of the City Code of Ordinances to discourage human trafficking, preserve the health and welfare of the City and for other lawful purposes. **(Willis - Ord2018-034)**

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Passed]

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

Minutes:

Councilmember Willis informed Council there was no fiscal impact for this Ordinance.

A motion was made to approve Ord2018-034 (Human Trafficking). The motion passed unanimously.

ii. **[SECOND READING, first reading heard on September 7, 2018]**

Ordinance providing procurement policies and for other lawful purposes. **(Willis and Jackson - Ord2018-037)**

Motion (Approve): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

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

Minutes:

Councilmember khalid would like Council to consider not voting in favor of this Ordinance, since there is an Emergency Ordinance in place now, and would allow time for more information.

A motion was made to approve Ord2018-037 (Procurement Policies). The motion passed, 4-3-0.

iii. **[SECOND READING, first reading heard on September 7, 2018]**

Ordinance amending the City of South Fulton Truck Routes Ordinance in Chapter 2 of Title 8 of the City of South Fulton Code of Ordinances. **(Res2018-038)**

Motion (Deny): Councilmember Jackson

Second: Councilmember Gilyard

[Motion Passed]

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

Minutes:

a. The City Attorney clarified the current version which includes the eight concessions agreed to by the City, pursuant to the meeting with FID representatives and Fulton County. The Attorney indicated that she gave them a spread sheet outlining four additional restrictions that Council could consider for inclusion, based on a meeting held with developers from Union City and East Point.

A motion was made to deny the request to lift the restriction of Flat Shoals from Buffington Road to the Body of Christ. The motion passed unanimously.

Motion (Deny): Councilmember Jackson

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

b. A motion was made to deny the request to lift the restriction of Buffington Road to north of Flat Shoals Road to the industrial building, several hundred feet up on Buffington Road. The motion passed unanimously.

Motion (Approve): Councilmember Gilyard

Second: Councilmember khalid

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

c. A motion was made to lift the restriction partially along Derrick Road to where Union City ends on the left side of Derrick Road.

Councilmember Gilyard specified that it is just from South Fulton Parkway to where the warehouse ends and with signage to clearly delineate it.

Motion (Approve): Councilmember Gilyard

Second: Councilmember khalid

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

d. A motion was made to lift the restriction along Cedar Grove Road turning off

South Fulton Parkway up to Jones Road (300 ft passed Jones Road). The portion that is restricted has Union City on both sides of the Road; at a minimum lifting the restrictions where Union City has jurisdictions on both sides of the Road, with signage for that space indicating what part belongs to the City of South Fulton and what part belongs to Union City.

Motion (Approve as Amended): Councilmember Willis
Second: Councilmember Jackson
[Motion Passed]

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

Minutes:

e. A motion was made to approve as amended Ord2018-038 (revised Truck Routes Ordinance), with all preceding amendments (letter c & d). The motion passed, 6-1-0.

iv. [ADD-ON] Res2018-039 Hotel and Motel Taxation

Motion (Approve): Councilmember Willis
Second: Councilmember Jackson
[Motion Passed]

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

Minutes:

A motion was made to approve Ord2018-039 (Hotel and Motel Taxation at 5%). The motion passed unanimously.

8. Action Items

- a. Resolution to authorize the use of eminent domain to acquire real property interests necessary to complete the Enon Road sidewalk project ~~T-268~~ and Danforth Road sidewalk projects, to authorize the County Attorney to condemn said property interests, where necessary; to authorize the County Attorney to approve any necessary documents as to form and substance and make any necessary modifications thereof to protect the interest of the County, prior to execution.

Motion (Authorize): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Passed]

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

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to authorize the use of eminent domain to complete sidewalk projects at Enon Road and Danforth Road. The motion passed, 6-1-0.

- b. Resolution to authorize the Mayor to execute the Memorandum of Agreement (MOA) between the Atlanta Regional Commission (ARC) and the City of South Fulton for the update of the South Fulton Comprehensive Transportation Plan (SFCTP).

Motion (Authorize): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to authorize the Mayor to execute an MOA with Atlanta Regional Commission (ARC) to develop the SFCTP. The motion passed unanimously.

- c. 2018 Audit Contract Approval - Finance

Motion (Approve): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the renewal of the 2018 Audit Contract. The motion passed unanimously.

9. City Manager's Report

Minutes:

The City Manager began his report by announcing Mayor Edward's appointment as liaison to the Region 8 Transportation Authority of the ATL legislation and acknowledged Councilmembers Rowell and Gumbs being recognized in the recent issue of Who's Who's in Black Atlanta.

The City Manager proceeded with the Public Works proposed service model

presentation.

Topics included the following:

- grounds maintenance
- road & sidewalk maintenance
- solid waste management
- facilities maintenance
- fleet maintenance
- street sign & lighting
- storm water management
- water treatment

There followed discussion on the model, the transition of public works, and wages for the employees transitioning.

10. City Attorney's Report

Minutes:

The City Attorney requested a recess for executive session to discuss personnel.

11. Mayor and City Council Comments (Two minutes each)

Minutes:

Councilmembers gave information regarding their respective Districts including Councilmember Gumbs acknowledging the City Manager being recognized in the recent issue of Who's Who's in Black Atlanta.

12. Executive Session (CLOSED), if necessary

Motion (Recess): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to recess for executive session to discuss personnel. The motion passed unanimously.

13. Adjournment

Motion (Adjourn): Councilmember Rowell

Second: Councilmember khalid

[Motion Passed]

Yea: 4 Baker, khalid , Rowell, Willis

Nay: 0
Abstain: 0
Not Voting: 3 Gilyard, Gumbs, Jackson

Minutes:

The City Clerk announced there was no action taken during executive session.

The executive session began at 9:45pm and ended at 10:46pm.

A motion was made to close the executive session regarding personnel, and adjourn the regular meeting. The motion passed, 4-0-3.

The meeting was adjourned at 10:48pm.

Mark Massey, City Clerk



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Meeting Minutes - Tuesday, September 18, 2018, Special Called Meeting

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Minutes_SC_2018_09_18	Cover Memo	9/19/2018



The Honorable William "Bill" Edwards, Mayor (present)
The Honorable Mark Baker District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (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)

SPECIAL MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 3:07pm. Following the roll call by the City Clerk, a quorum was present.

2. Action Items

- a. Resolution adopting the City of South Fulton Fiscal Year 2019 Final Budget and several items of Revenue Anticipations, appropriating the amounts showing in each fund as expenditures, prohibiting expenditures or expenses from exceeding the actual funding available and for other lawful purposes. **(Res2018-053)**

Motion (Amend): Councilmember Gilyard

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

CFO Frank Milazi distributed a revised copy of the Budget Resolution and the item number should read Res2018-053.

The CFO introduced the Budget Manager Sharon Haynes who proceeded to detail the final proposed FY2019 Budget in her presentation.

Mayor Edwards inquired as to the percent of Fund Balance. Ms. Haynes indicated there is no fund balance. The City Manager indicated there are major facility repairs needed immediately and funds will be used for that purpose, but going forward they will start accumulating a fund balance. The Mayor stressed that the goal is to have a 1% fund balance and to keep the Council informed as to the balance moving forward.

Councilmember Willis indicated that Council would like to keep abreast of the repair assessments and inquired about budgeted funds for the Spring Street Barricade. The City Manager indicated there is \$6,000 in this FY2019 Budget for the barricade.

Councilmember Gilyard had concerns with over \$2 million in contract (professional) services. The City Manager indicated the bulk of the contract services are carried over from the prior year, namely; \$750,000-\$800,000 is for existing contracts; \$400,000 for Municipal Court; and approximately \$1 million for the 311 call center. He stated the public works budget is finite and the youth activity expense under the City Manager budget is for the city-wide internship program. The Manager explained the budgeted amount for legal services is expensed at \$600,000 for FY2019 Budget, an increase from \$500,000 over FY2018 Budget.

Councilmember Jackson inquired if health coverage for Council was included. The City Manager indicated that health care coverage for council is included in the budget and then revisited the presentation to show legislature health coverage increased, legislature operating budget increased, and mayor health coverage increased, and travel allowance typo corrected.

Councilmember Rowell requested the City Manager to show that the salary line for Council includes Councilmembers and legislative specialists, for the benefit of the public.

Mayor Pro Tem Baker, Councilmembers Jackson and Willis questioned the legislative specialist positions under the current Council budgets. The Budget Manager and City Manager explained the legislative specialist must be reflected under Council Budget as required by the Uniform Chart of Accounts. The legislative specialists are currently budgeted at the original hours and rate. The City Manager explained an amendment could be made after the budget is approved to change the status of the legislative specialists.

Councilmember Gumbs expressed some concern displayed by the finance department for tax personnel. CFO Milazi stated he needs a tax administrator as opposed to a finance director.

a. A motion was made to amend the FY2019 Budget by deleting the Finance Director position and establishing a Tax Administrator position. The motion passed unanimously.

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

b. A motion was made to accept Res2018-053, FY2019 Final Budget, as amended. The motion passed unanimously.

- b. Discussion and consideration of requests for extended zoning moratoriums. (City Attorney)

Motion (Amend): Councilmember Willis

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

The City Attorney indicated that Res2018-054 was presented and it is identical to the previous moratoriums for Districts 2, 4 and 5. The Resolution would extend the moratorium an additional 90 days from this date.

Councilmember Willis asked legal if she needs to add District 3. Attorney Walker indicated it would be up to the Councilmember.

The City Attorney further explained that the City would use Fulton County's zoning and permitting codes until the City Codes are adopted.

a. A motion was made to amend Res2018-054 by adding District 3 into the extended zoning moratorium. The motion passed unanimously.

Motion (Amend): Councilmember khalid

Second: Councilmember Gumbs

[Motion Passed]

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

Minutes:

Councilmember khalid recommended that the Council tweak Fulton County's Code during a work session in the future.

The City Attorney stated she will take the Fulton County County Code and dump it into South Fulton's Code and have Council review the Code over the 1st and 2nd October Council meetings, but the review could go into November. Before transition ends, the temporary fix should be sufficient.

b. A motion was made to amend Res2018-054 by adding District 6 to the extended zoning moratorium. The motion passed unanimously.

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Minutes:

Councilmember Gilyard expressed concern about projects that were approved by Fulton County prior to the City's existence. She does not know what developments are coming to District 4. She is concerned because she cannot get any data from Fulton County. The City Manager responded by saying, he has met with the County Manager who has committed to giving the City data/information as per Council's request. He indicated, they will expand the request from District 4 and request the information for the entire City.

Councilmember Gilyard also wants information for those projects coming through, but can't move on due to the moratorium that is in place.

The City Manager and staff indicated they can provide that information to Council. The City Manager requested Council to give staff time to gather the information and confirm a delivery date by tomorrow at noon.

Mayor Pro Tem Baker made an announcement to developers that the City is open for business during the update of the zoning codes and permits.

c. A motion was made to adopt Res2018-054 as amended (adding Districts 3 and 6). The motion passed unanimously.

3. Adjournment

Motion (Adjourn): Councilmember Gumbs

Second: Councilmember Rowell

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 4:02pm.

Mark Massey, City Clerk



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Pastor Sylvia Carter

DATE OF MEETING: 9/24/2018

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - Pastor Sylvia Carter	Cover Memo	9/19/2018



City of South Fulton

WHEREAS, on the third weekend of September each year, persons come from various localities to attend the annual “No Wasted Tears Conference”, hosted by Dr. Sylvia Carter and based on her debut novel, *No Wasted Tears*.

WHEREAS, under the direction of the Holy Spirit, Dr. Sylvia Carter was installed as Co-Pastor of Siloam Church International in 2007 by Pastor Dr. Jonathon Carter, Sr., and during this time, she has fervently embraced the vision of the Pastor of this great church.

WHEREAS, during her leadership, she has established Sylvia Carter Ministries to create a world where the cycle of powerlessness is broken, and women as well as children are empowered to thrive in their purpose and has launched programs that benefit at-risk children, senior citizens, and unemployed adults;

WHEREAS, Dr. Sylvia Carter has demonstrated leadership for over 30 years, starting with the Clayton County School System in Georgia, where she was the first African American to become a National Board-Certified Teacher as well as being named Teacher of the Year. It is her desire to provide leadership training, mentoring, and life skills resources across the globe to impact the lives of women and children;

WHEREAS, in 2018, under the direction of the Holy Spirit, she led her first mission trip which impacted 600 plus Kenyan girls. These young girls received sanitary napkins and hygiene kits which enabled them to stay in school. Additionally, 100 women were given a monetary seed investment for a business;

WHEREAS, Dr. Sylvia Carter firmly believes the church must be a “Church-in-Action,” that serves the community through faith and unwavering love;

WHEREAS, this dynamic and humble woman has demonstrated excellence in her calling as a “Proverbs 31 Woman,” the members of the Siloam Church International and the No Wasted Tears Conference extend to her, their sincerest love and appreciation for the love she extends as Co-Pastor, philanthropist, leader, and friend”;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council commends Pastor Sylvia Carter for her steadfast Christian leadership, community outreach, and advocacy on behalf of women throughout the years and does hereby proclaim **Friday, September 14, 2018 as SYLVIA CARTER MINISTRIES DAY** in the City of South Fulton.

Mayor William ‘Bill’ Edwards



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Request Approval of Emergency Purchase Police Laptops

**DATE OF
MEETING:** 9/24/2018

DEPARTMENT: City Manager



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Request Approval of Emergency Roof Repairs at Fire Stations 1, 3 and 7

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Manager



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Agr2018-031 Request Approval of Charles Abbott Contract
Renewal

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Charles Abbott Associates LLC Contract Renewal	Cover Memo	9/20/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: The Honorable William Edwards

FROM: Frank S. Milazi, CFO *F.S. Milazi*

DATE: **September 17, 2018**

SUBJECT: Fiscal Impact Statement- Building Inspection Contract

REFERENCE: **Resolution for Professional Services**

CONCLUSION

Funds are available within the fiscal year 2019 proposed budget for the adoption of the proposed resolution.

BACKGROUND

This resolution amends an existing contract for professional services between the City of South Fulton and Charles Abbott Associates a contractor of professional services. The contract outlines the services to be performed by the contractor for payment by the City. The amendment changes the ratio of compensation to 45% for the first \$100,000 of billed services within a month and 50% for all amounts exceeding \$100,000.

FINANCIAL PLAN IMPACT

The final impact of this resolution for the fiscal year 2019 is anticipated to cost the city between \$540,000 and \$740,000.

Projected Revenue	\$	Fees
	1,600,000.00	
Monthly Income @ 45%	1,200,000.00	540,000.00
Monthly Income @ 50%	400,000.00	200,000.00
Estimated Annual Cost		740,000.00

Addendum A

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Amendment (this “**Amendment**”) is made as of the _____ day of August 2018, by and between the City of South Fulton, a municipal corporation of the State of Georgia (“**City**”), and Charles Abbott Associates, Inc. (“**CAA**” or the “**Contractor**”). The City and Contractor may hereinafter be referred to individually as a “Party” or collectively as the “Parties.”

WHEREAS, the Parties entered into that certain Professional Services Agreement dated June 15, 2017 (the “**Agreement**”), by which Contractor provides Building Inspection and Plan Review Services to the City;

WHEREAS, the Parties wish to amend the fees for services provided to the City as stated in the Agreement and to amend certain other provisions of the Agreement; and

NOW THEREFORE, in consideration of the promises and obligations set forth below, the Parties agree as follows:

1. Capitalized terms used herein, not otherwise defined, shall have the meaning ascribed to such terms in the Agreement.

2. The fee schedule attached to the Agreement is hereby deleted in its entirety and is replaced with the fee schedule attached hereto as Exhibit A and incorporated herein by this reference, for the provision of Building Inspection and Plan Review Services to the City.

3. Paragraph A. of the section of the Agreement entitled “TERM” is amended by striking said paragraph in its entirety and replacing it with the following language:

A. This Agreement will take effect immediately upon signing by both parties and will remain in effect until September 30, 2018. The City shall have the option to renew this Agreement for two (2) additional terms of one (1) year each by giving the Contractor written notice of its intention to renew the Agreement at least thirty (30) day’s prior to the expiration of the then current term.

4. This Amendment will take effect immediately upon signing by the Parties and will remain in effect until September 30, 2019. The City shall have the option to renew this agreement for one (1) additional term of one (1) year by giving the Contractor thirty (30) days’ advance written notice prior to the expiration of this Agreement.

5. The Agreement is hereby amended to add the following non-solicitation section after the section entitled "NONDISCRIMINATION BY CONSULTANT" in the Agreement:

NON-SOLICITATION.

During and for a period of six (6) months following termination of this Agreement, the City shall not directly or indirectly solicit for hire or engage any personnel (whether as employee, consultant or in any other capacity) of CAA with responsibilities related to this Agreement without CAA's prior written consent.

6. The section of the Agreement entitled "INDEMNIFICATION" is amended by striking said paragraph in its entirety and replacing it with the following language:

INDEMNIFICATION

The Consultant shall defend, indemnify and hold harmless the City, its officers, directors, employees, and agents from and against all Claims, causes of action, demands, damages, fines, fees, settlements, judgments, losses, costs, expenses, reasonable attorneys' fees, reasonable accountant fees and any other amounts that the City becomes legally obligated to the extent arising out of Consultant's or any Sub-Consultant's negligence, gross negligence or willful misconduct in the performance of its obligations under this Agreement.

7. Except as amended herein, all other terms of the Agreement shall remain in full force and effect.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

IN WITNESS WHEREOF, the Parties have set their hands to this Amendment on the day and year above first written.

CITY OF SOUTH FULTON, GEORGIA

CHARLES ABBOTT ASSOCIATES, INC.

By: _____
William "Bill" Edwards, Mayor

By: _____

Name: _____

Title: _____

Attest:

Mark Massey, City Clerk

By: _____
Odie Donald, II, City Manager

Approved as to Form:

Emilia C. Walker, City Attorney

EXHIBIT A

Schedule of Fees

Fees below are inclusive of all costs, including general and administrative, travel, per diem, training, materials, supplies, and other items necessary to complete the project.

CAA proposes to provide all Building Inspection and Plan Review Services for the following percentage of permit fees calculated. This includes any fees waived by the City for projects assigned to CAA.

Monthly Fees Collected*	CAA's % of Fees
Tier 1: First \$0 - \$100,000/month	45%
Tier 2: Additional >\$100,001/month	50%

** The fees in this table are cumulative.*



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Request Approval To Accept Cambridge Meadows Right-of-Way (Res2018-058)

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-058 To Accept Cambridge Meadows Right-of-Way	Cover Memo	9/20/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: The Honorable William Edwards

FROM: Frank S. Milazi, CFO *F.S. Milazi*

DATE: **September 5, 2018**

SUBJECT: Fiscal Impact Statement- Right of Way

REFERENCE: **Resolution to accept Right of Way**

CONCLUSION

Funds are available within the current budget for the adoption of the proposed resolution.

BACKGROUND

This resolution provides for a limited warranty deed transfer of real property to be used as a right of way transfer between Builders Professional Group, LLC and the City of South Fulton. This Right of Way will replace one currently used by the City. The City's cost for this acquisition is limited to the administrative cost for the change of ownership on the deed.

FINANCIAL PLAN IMPACT

The financial impact of the proposed resolution is deemed to be minimal at less than \$25 for the transfer to title.

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4
5

6 RESOLUTION NO. 2018-058
7

8 A RESOLUTION ACCEPTING THE CAMBRIDGE MEADOWS SUBDIVISION RIGHT-
9 OF-WAY DEED AND FOR OTHER LAWFUL PURPOSES.
10

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

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

17 WHEREAS, the Charter of the City of South Fulton authorizes the City to
18 regulate the rights-of-way of the municipal street system and to accept dedications of
19 same;
20

21 WHEREAS, as part of the development of the Cambridge Meadows subdivision,
22 the developer has dedicated a portion of the property to the City to utilize as a right-of-
23 way; and

24 WHEREAS, the City Council finds that the acceptance of this right-of-way
25 dedication is beneficial for the health, safety and welfare of the citizens of the City.

26 NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON
27 HEREBY RESOLVES AS FOLLOWS:
28

29 Section 1. That the Limited Warranty Right of Way Deed from Builders
30 Professional Group, LLC, as attached hereto and incorporated herein by reference, is
31 hereby accepted by the Mayor and City Council and incorporated into the municipal
32 street system of the City of South Fulton. The City Attorney is hereby directed to
33 finalize and file same with the Fulton County Superior Court property records division.
34

35 *****

36 Section 2. It is hereby declared to be the intention of the City Council that:

37 (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution
38 are, or were, upon their enactment, believed by the City Council to be fully valid,
39 enforceable and constitutional.

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

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

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

54 **Section 4.** The effective date of this Resolution shall be the date of adoption
55 unless provided otherwise by the City Charter or state and/or federal law.
56
57

58 The foregoing **RESOLUTION NO. 2018-058**, adopted on _____ was
59 offered by Councilmember _____, who moved its approval. The motion was
60 seconded by Councilmember _____, and being put to a vote, the result
61 was as follows:

	AYE	NAY
62		
63		
64 William "Bill" Edwards, Mayor	_____	_____
65 Mark Baker, Mayor Pro Tem	_____	_____
66 Catherine Foster Rowell	_____	_____
67 Carmalitha Lizandra Gumbs	_____	_____
68 Helen Zenobia Willis	_____	_____
69 Gertrude Naeema Gilyard	_____	_____
70 Rosie Jackson	_____	_____
71 khalid kamau	_____	_____

72
73
74

75 THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
76 SOUTH FULTON, GEORGIA.
77
78
79
80
81

82 _____
83 WILLIAM "BILL" EDWARDS, MAYOR
84
85
86
87
88
89

90 ATTEST:
91
92
93

94 _____
95 MARK MASSEY, CITY CLERK
96
97
98
99
100

101
102 APPROVED AS TO FORM:
103
104
105

106 _____
107 EMILIA C. WALKER, CITY ATTORNEY

After recording, return to:
McMichael & Gray, PC
825 Fairways Ct., Ste. 100
Stockbridge, GA 30281
(678)373-0521

Above this line is reserved for recording)

Please cross-reference with Deed Book 58905, Pages 411-414, Fulton County Deed Records.

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY RIGHT OF WAY DEED

THIS INDENTURE, made as of the day _____, 2018, by and between **Builders Professional Group, LLC**, a Georgia limited liability company (hereinafter "**Grantor**") and the **City of South Fulton, Georgia, a municipal corporation of the State of Georgia** (hereinafter "**Grantee**") [the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits].

WITNESSETH: That said Grantor, for and in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee (the terms "Grantor" and "Grantee" include the respective heirs, successors and assigns of each where the context requires or permits), the following described real property as dedicated Right-of-Way, which is more particularly described as follows:

That Tract of Land in Land Lot 130, District 14F of Fulton County, STARTING at the point where Campbellton Road meets Owl Rock Road at a 5/8 inch set Iron Reinforcing Bar (RBS); thence proceeding North 46 degrees 2 minutes and 2 seconds East a distance of 241.87 feet to a 5/8 inch RBS and the POINT OF BEGINNING.

From the POINT OF BEGINNING, thence North 46 degrees, 2 minutes and 2 seconds East a distance of 99.92 feet to a 5/8 inch RBS; thence along a curve of 20.00 feet radius and arch length of 30.87 feet South 1 degree 48 minutes 51 seconds West a chord length of 27.90 feet to a 5/8 inch RBS; thence South 42 degrees 24 minutes 20 seconds East a distance of 45.13 feet to a 5/8 inch RBS; thence along a curve of 20.00 feet radius and arch length 27.03 feet South 81 degrees minutes 14 seconds East a chord length of 25.02 feet to a 5/8 inch RBS; thence South 60 degrees 9 minutes 52 seconds West a distance of 77.51 feet to a 5/8 inch RBS; thence North 48 degrees 45 minutes 31 seconds West to a 5/8 inch RBS; thence along a curve of 20.00 feet radius and arch length of 42.01 feet North 2 degrees 54 minutes 17 seconds West a chord length of 28.70 feet to the POINT OF BEGINNING.

[1250-0009/289106/1]

108
109

Comprised of 0.106 acres (4,605 square feet) more or less and as shown on the Property Description of Tract 2 which is attached hereto, made a part hereof and incorporated herein by reference thereto; and which is shown on "RIGHT-OF-WAY DEDICATION EXHIBIT - Campbellton Road and Owl Rock Road for Builders Professional Group, LLC" dated 5-2-2018 by GeoSurvey, Ltd., and attached hereto as Exhibit "A" and made a part hereof by reference.

Subject to easements and restrictions of record.

Note that in Quit Claim Deed recorded in Deed Book 58905, Pages 411-414, Fulton County Deed Records from Zion Hill Baptist Church to Grantor herein, Zion Hill Baptist Church created the following covenant which shall run with the land conveyed, to wit:

The use of the entire property described on Tract 2 attached hereto shall be for only for road construction and road right-of-way use. No buildings of any kind or character whatsoever may be constructed upon or placed on said Tract 2. Upon the breach of this covenant by Builders Professional Group, LLC or any of its subsequent successors or assigns, and upon the written demand of Zion Hill Baptist Church, its successors or assigns, to the then current record title holder of said Tract 2, the property on said Tract 2 shall immediately revert to Zion Hill Baptist Church, its successors or assigns.

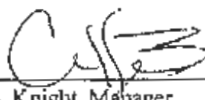
TO HAVE AND TO HOLD the Property with all and singular the rights, members and appurtenances thereof to the same being, or in anywise appertaining to the only proper use, and dedicated for right-of-way purposes by the Grantee, and with all rights of use as right-of-way, forever.

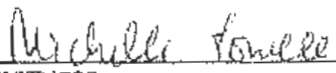
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through, or under Grantor.

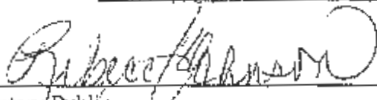
IN WITNESS WHEREOF, Grantor has signed and sealed this deed the day and year above written.

Signed, sealed and delivered
in the presence of:

Grantor:
Builders Professional Group, LLC

By:  (SEAL)
Christopher S. Knight, Manager


WITNESS
Print name: Michelle Powell


Notary Public
Print name: Rebecca K. Johnson
State of Georgia
County of Henry
My Commission Expires: Nov 21, 2020



[1250-0009/289106/1] 2

4

Property Description
Tract 2

All that tract or parcel of land lying and being in Land Lot 130 of the 14F District of Fulton County, City of South Fulton, Georgia, and being more particularly described as follows:

Commencing at a 5/8-inch rebar set at the intersection of the southerly right-of-way of Campbellton Road (variable width right-of-way) with the northerly right-of-way of Owl Rock Road (aka Old Campbellton Road)(variable width right-of-way) said 5/8-inch rebar set having State Plane Coordinate values Northing: 1,343,535.94; Easting: 2,167,729.01 (Georgia West Zone); Thence continuing with said southerly right-of-way of Campbellton Road, North 46 degrees 02 minutes 02 seconds East, a distance of 241.87 feet to a 5/8-inch rebar set, said 5/8-inch rebar set being the **POINT OF BEGINNING**; Thence from said Point of Beginning, continuing with the southerly right-of-way of Campbellton Road North 46 degrees 02 minutes 02 seconds East, a distance of 99.92 feet to a 5/8-inch rebar set; Thence departing said existing right-of-way of Campbellton Road and continuing with a proposed right-of-way line the following three courses: along a curve to the left having an arc length of 30.87 feet, with a radius of 20.00 feet, being subtended by a chord bearing of South 01 degrees 48 minutes 51 seconds West, for a distance of 27.90 feet to a 5/8-inch rebar set; Thence South 42 degrees 24 minutes 20 seconds East, a distance of 45.13 feet to a 5/8-inch rebar set; Thence along a curve to the left having an arc length of 27.03 feet, with a radius of 20.00 feet, being subtended by a chord bearing of South 81 degrees 07 minutes 14 seconds East, for a distance of 25.02 feet to a 5/8-inch rebar set on the northerly right-of-way of said Owl Rock Road; Thence continuing with the existing right-of-way of Owl Rock Road South 60 degrees 09 minutes 52 seconds West, a distance of 77.51 feet to a 5/8-inch rebar set; Thence departing said existing right-of-way of Owl Rock Road and continuing with a proposed right-of-way line the following two courses: North 42 degrees 15 minutes 29 seconds West, a distance of 45.01 feet to a 5/8-inch rebar set; Thence along a curve to the left having an arc length of 32.01 feet, with a radius of 20.00 feet, being subtended by a chord bearing of North 88 degrees 06 minutes 43 seconds West, for a distance of 28.70 feet to a 5/8-inch rebar set, which is the **POINT OF BEGINNING**.

Said tract or parcel of land contains 0.106 Acres, and 4605 Square Feet.



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: M18-005 3900 Cascade Road

DATE OF MEETING: 9/24/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
M18-005	Cover Memo	9/20/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor & Council

FROM: Planning & Zoning Division

SUBJECT: Zoning Items for the September 25, 2018 Council Meeting

DATE: September 12, 2018

Item	Case No.	Request	Staff Recommendation	Planning Commission Recommendation
1	M18-005	Modification of three conditions identified in 1985 zoning case Z85-014 so that the applicant may comply with the traditional building height and freestanding signage regulations of the zoning district and amend the adopted site plan at 3900 Cascade Rd 8/28/18: DEFERRED by Council	Approval	n/a
2	U18-002	Use permit for a group residence for 5 to 8 children at 3910 Old Fairburn Rd	Denial	Denial
3	Z18-008	Rezoning from MIX with conditions (Mixed-Use District) to C-1 (Community Business District) and to consider a change in the Comprehensive Plan's future land use designation from Suburban II Neighborhood to Community Live-Work for two hotels on Ella Lane (Parcel ID 09F070300260401)	Approval with Conditions	Approval with Conditions

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, September 25, 2018, 7:00 p.m.

1. **M18-005**: **Public hearing** to consider a **modification** request of three conditions identified in 1985 zoning case Z85-014 so that the applicant may comply with the traditional building height and freestanding signage regulations of the zoning district and amend the adopted site plan at 3900 Cascade Rd

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor & Council
FROM: Planning & Zoning Division
SUBJECT: M18-005 for a Modification of Z85-014 at 3900 Cascade Rd
DATE: September 25, 2018

The applicant, Jason Sommer, seeks modification of three conditions identified in zoning case Z85-014 so that the applicant may comply with the traditional building height and freestanding signage regulations of the zoning district and amend the adopted site plan at 3900 Cascade Rd.

STAFF RECOMMENDATION: APPROVAL

8/28/18: MAYOR & COUNCIL DEFERRED REQUEST

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Jason Sommer
Status of Applicant:	Applicant does not currently own the property
City Council District(s):	1
Parcel ID Number:	14F0010LL0327
Area of Property:	The property is composed of approximately 2.33 acres.
Existing Zoning:	C-1 (Community Business District) with conditions pursuant to Case No. Z85-014
Current/Past Use of Property:	Undeveloped
Prior Zoning Cases/History:	Z85-014 , request to rezone from R-3 (Single-Family Dwelling District) to C-1 (Community Business District) - APPROVED WITH CONDITIONS
Surrounding Zoning:	<u>North (across Cascade Rd):</u> O-I (Office and Institutional District) <u>East (across Kimberly Rd):</u> R-3 (Single-Family Dwelling District) <u>South:</u> O-I (Office and Institutional District) <u>West:</u> - C-1 (Community Business) - R-3 (Single-Family Dwelling District)
Future Land Use Designation:	Suburban Neighborhood
Compatibility:	The business requesting the use permit will serve the residences within the Suburban Neighborhood. This designation provides

	for community facilities, and the applicant proposes to provide a community meeting room.
Overlay District:	Cascade
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is provided to these sites by Fulton County.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Cascade Road <u>Classification:</u> Minor Arterial State Road <u>Public Transit:</u> MARTA Bus Routes 71 and 165 both stop directly at the subject site. <u>Bike/Pedestrian Access:</u> Sidewalks are available on both sides of Cascade Rd and one side of Kimberly Rd adjacent to the site. There are no bike lanes.

PUBLIC PARTICIPATION

The applicant held their own public meeting on July 24, 2018 at 6:30 p.m. at the Fulton County Library, Southwest Branch (3665 Cascade Rd, Atlanta, GA 30331) and a second on August 2, 2018 at 6:00 p.m. at Chick-Fil-A (3725 Cascade Rd, Atlanta, GA 30331). Five members of public attended and expressed concern on crime and traffic. The applicant replied that the facility will have limited access points and a professional security system with surveillance cameras, and that they expect less than ten visitors per day and are communicating with authorities on potential implementation of a traffic light at the Cascade/Kimberly intersection. The applicant also met individually with 23 other stakeholders including neighboring property owners and community group members and reported on their support of the project.

Fourteen members of the public attended the Staff-hosted Community Zoning Information Meeting on July 12, 2018 to learn more about the project.

STAFF COMMENTS

Engineering: Reviewed; none provided

Arborist: Reviewed; none provided

Environmental: Based upon the information submitted, the Environmental Justice Program of the Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment as a result of approving the proposed modification to allow the proposed building to be developed with the proposed height and signage.

Public Works: Sewer service exists in close proximity to the site.

Transportation: Requirements included with Staff recommendation for the use permit

MARTA: This type of use is not transit supportive. However, the applicant should coordinate with MARTA's bus stop planner to ensure that, when landscaping is installed, there will be no damage to the existing bus stops.

Fulton County Schools: Reviewed; none provided

Fire: Reviewed; none provided

Legal: None provided

PLANNER'S RECOMMENDATION

The property is zoned C-1 (Community Business District), which states that "[n]o structure shall exceed the higher of 4 stories of 60 feet in height" and, for properties under 3 acres, permits a maximum of 1, 32-square-foot, freestanding sign at a maximum height of 6 feet. The conditions placed on the property in 1985 were to further refine the requirements of the existing code at the time, which was adopted on July 2, 1984. This code permitted the same height as today's code, but permitted more lenient signage, including freestanding signage of up to 60 square feet along each street frontage. At the time of the 1985 rezoning, the property was adjacent to single-

family zoning. The height restriction of 2 stories was likely to match the height of the surrounding permitted structures. Today, every property surrounding the subject site is either occupied by or zoned for commercial, office, and institutional use. While two of the surrounding properties are zoned R-3 (Single-Family Dwelling District), neither are occupied by residential structures or uses (both contain a church with an associated school). One of the properties is occupied by a single-family home, however the property is zoned for office/institutional uses. It is the applicant's intent is to develop the property under same requirements and standards held to the surrounding properties. In the interest of equity, based upon the findings and conclusions herein, Staff recommends **APPROVAL** of the modification request. The revised conditions shall read as follows:

~~**1b.** Limit the height of the buildings to no more than 2 stories.~~

2a. To the owner's agreement to abide by the following:

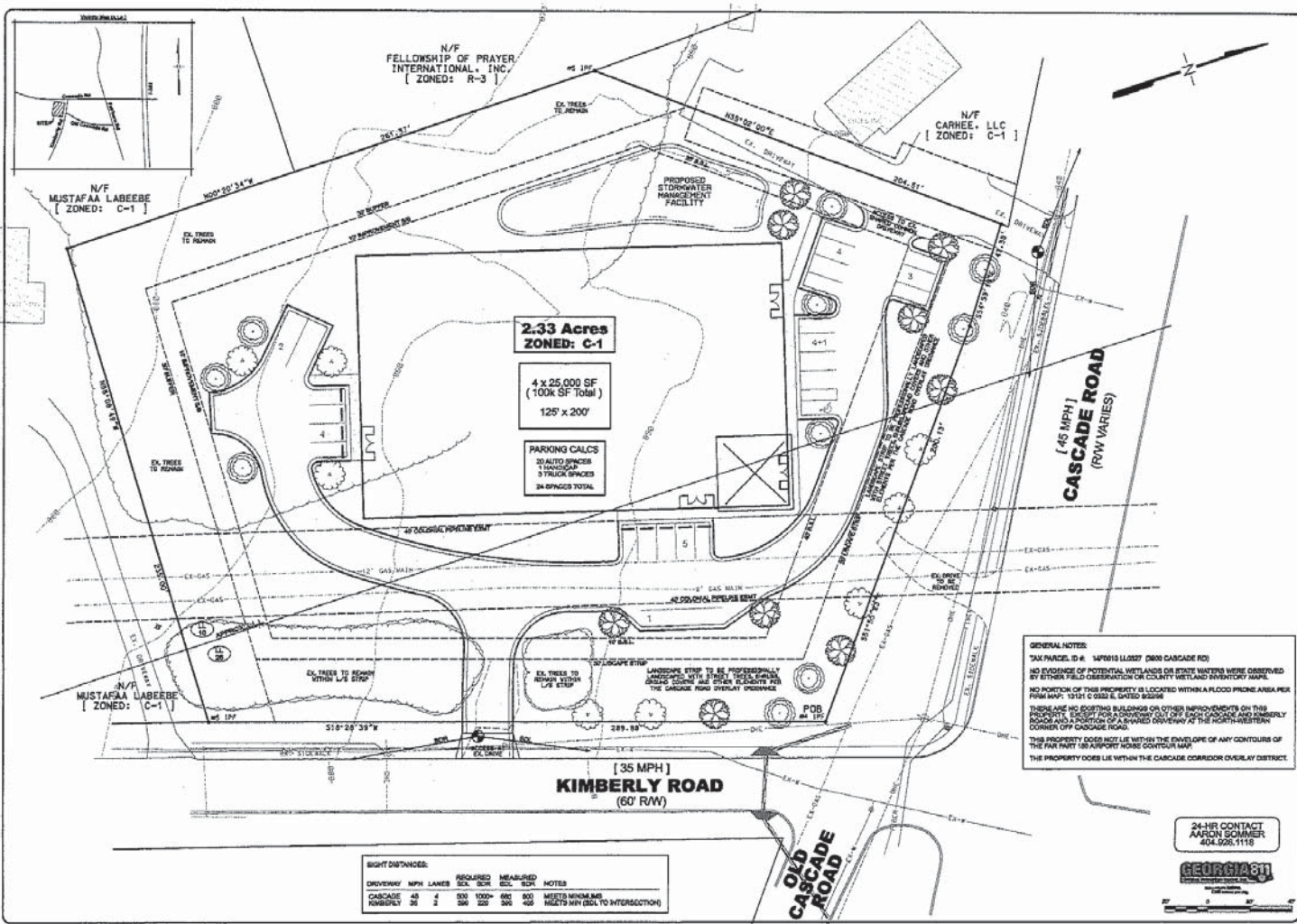
To the site plan received by the **Community Development Services Department** ~~[Fulton County] Department of Environment and Community Development~~ on **June 26, 2018** ~~January 8, 1985 and April 24, 2007~~. Said site plan is conceptual only and must meet or exceed the requirements of the *Zoning Resolution* and these conditions prior to the approval of a Land Disturbance Permit. **Any major deviation from this site plan is subject to approval by the Community Development Services Director or designee.** ~~In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for 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.~~

~~**3d.** Limit the freestanding project identification signage of the entire property to no more than one unlighted, double-faced pole sign/monument sign adjacent to Cascade Road having no more than 20 square feet of surface area per face and further not to exceed a height of 4 feet from finished grade measured from the base of the sign structure.~~

REVIEWED BY:
Brianna Rindge, AICP



M18-005 for 3900 Cascade Rd
September 25, 2018
Page 3 of 3



PREPARED BY:

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 Vassilios & Melton
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 Columbia, Georgia 31206
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PREPARED FOR:

SOMMER DEVELOPMENT, LLC
 2400 Peachtree Rd.
 Suite 200
 Atlanta, GA 30305
 A/E/C: Aaron Sommer
 404.926.1118

3900 CASCADE ROAD

3900 CASCADE RD
 10.8.2017 1:49 PM
 CITY OF SOUTH FULTON, GA

SITE PLAN

SIGNED/SEALED

[Signature]

DATE: 10/1/18

PROJECT: 3900 CASCADE ROAD

SCALE: AS SHOWN

C-01

July 16, 2018

Re: 3900 Cascade Road, Atlanta, GA 30331

Dear Community Member:

Since April, my brother and I have worked closely with over 20 members of the Cascade Road community, the Cascade Road Merchants Association, the City of South Fulton planning staff, the City of South Fulton District 1 Councilwoman and the City of South Fulton Mayor, to discuss the needs of the community the vacant lot at 3900 Cascade Road. Collectively, we have determined the need and feasibility for a class "A" brick and stucco climate controlled self-storage and business center at 3900 Cascade Road, Atlanta, GA 30331.

The development will be completely consistent with the Cascade Road Overlay zoning.

If you have any questions, or ideas for the project, please attend the public participation meeting on July 24th at 6:00pm at the Fulton County Library, Southwest Branch, 3665 Cascade Rd., Atlanta, GA 30331. Feel free to call me or email me directly.

Thank you!

Jason Sommer
jasontsommer@gmail.com
678-640-0505



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: U18-002 3910 Old Fairburn Road

DATE OF MEETING: 9/24/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
U18-002	Cover Memo	9/20/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, September 25, 2018, 7:00 p.m.

2. **U18-002: Public hearing** for a **use permit** request for a group residence for 5 to 8 children at 3910 Old Fairburn Rd

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor & Council
FROM: Planning & Zoning Division
SUBJECT: U18-002 for 3910 Old Fairburn Road
DATE: September 25, 2018

The applicant, Qurimesha Mathis (for A Brighter Today), seeks a use permit for a group residence for 5 to 8 children at 3910 Old Fairburn Rd.

June 19, 2018: Planning Commission voted to defer request per Staff's recommendation as the applicant failed to turn in their Public Participation Report on time

July 17, 2018: Planning Commission voted to defer request until information has been gathered on the number of public service calls to the subject property within the past year

August 21, 2018: Planning Commission voted to deny request

STAFF RECOMMENDATION: DENIAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Qurimesha Mathis for A Brighter Today
Status of Applicant:	Applicant does not currently own the property.
City Council District(s):	3
Parcel ID Number:	09F380301771557
Area of Property:	The property is composed of approximately 2.5 acres.
Current/Past Use of Property:	Single-family home of ~2,690 ft ²
Prior Zoning Cases/History:	None
Surrounding Zoning:	<u>North:</u> AG-1 (Agricultural District) <u>East:</u> City of East Point R-1/CUP (Single-Family Residential/Community Unit Plan) <u>South:</u> AG-1 (Agricultural District) <u>West:</u> CUP (Community Unit Plan)
Future Land Use Designation:	Suburban Neighborhood
Compatibility:	This Designation provides for residential as well as "schools, places of worship, community centers and facilities" with which the proposed group residence for children aligns.
Overlay District:	None

Public Utilities:	Water service is provided to these sites by City of Atlanta. The property utilizes a septic tank. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by South Fulton.
Transportation:	<u>Street</u> : Old Fairburn Road <u>Classification</u> : Minor Arterial Local Road <u>Public Transit</u> : MARTA Bus 66 stops less than 1 mile from the subject property at the intersection of Old Fairburn Rd and Camp Creek Pkwy <u>Bike/Pedestrian Access</u> : Neither sidewalks nor bike lanes exist
Parking Required:	2 spaces
Parking Proposed:	5 spaces

PUBLIC PARTICIPATION

The applicant held their own public meeting on June 7, 2018 from 11:00 a.m. to 3:00 p.m. at 3840b Stonewall Tell Rd, College Park, GA 30349. Five members of public attended to inquire about 24-hour supervision, provided activities, from where the children matriculate, to where the children move afterward, and how many times the police have been contacted to address issues. The applicant reported that all raised issues were addressed.

Five members of the public attended the Staff-hosted Community Zoning Information Meeting on May 10, 2018.

USE PERMIT STANDARDS FOR A GROUP RESIDENCE FOR 5-8 CHILDREN

1. Facility shall be for no more than 8 children.
2. Parking shall comply with the requirements of *Article 18* for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to Community development Services prior to the issuance of a certificate of occupancy.
4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.
5. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

USE PERMIT CONSIDERATIONS

Staff is including the specific considerations for a use permit to be granted in an effort to assist City officials in considering the application and its merits. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use. These considerations include:

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by Mayor and Council;

This Suburban Neighborhood designation provides for residential as well as “schools, places of worship, community centers and facilities” with which the proposed group residence for children aligns.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;

The subject parcel is zoned AG-1 (Agricultural District). According to *Fulton County Zoning Resolution Article 19 Section 4.20(1)A*, AG-1 allows for this use, so long as no other group

residences are located within a quarter-mile of this group residence. The City of South Fulton Geographic Information Systems Division confirms adherence to minimum distance requirements set forth by *Article XIX* of the *Zoning Resolution* with all available resources. The group residence operates as a single-family use, which is in line with the adjacent uses and zoning.

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;

The applicant must comply with all ordinances and regulations before approval of any City land disturbance permit is issued.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

The proposed use will have negligible effect on traffic flow along Old Fairburn Road and surrounding streets.

5. The location and number of off-street parking spaces;

Parking is located approximately 700 feet from Old Fairburn Rd.

6. The amount and location of open space;

The subject parcel is a flag lot consisting of 2.5 acres. The majority of the open area is located to the side (north) of the house.

7. Protective screening;

The house is set back approximately 700 feet from Old Fairburn Rd. It is also buffered by trees along the perimeter, providing screening and privacy between adjacent properties.

8. Hours and manner of operation;

The business will operate 24 hours per day.

9. Outdoor lighting; and

The facility currently has outdoor security lights.

10. Ingress and egress to the property.

There is one means of ingress and egress by a driveway from the home to Old Fairburn Rd right-of-way.

STAFF COMMENTS

Engineering: Reviewed; none provided

Environmental: The Fulton County Board of Health recommends that this facility meet all permit requirements for child care learning centers and does not anticipate any adverse impacts to the health of humans or the environment by approval of the use permit request.

Public Works: Reviewed; none provided

Transportation: None provided

MARTA: There are no plans to extend service along Old Fairburn Road in the vicinity of this proposal.

Fulton County Schools: Reviewed; none provided

Fire: None provided

Legal: None provided

PLANNER'S RECOMMENDATION

The applicant has been in business (below the threshold that would be permitted through the requested use permit) for several years and wishes to increase the number of children to whom

they can provide service. The facility sits approximately 700 feet from Old Fairburn Rd, and a dense tree stand buffers the property from neighboring properties. This provides privacy for the children as well as the neighbors.

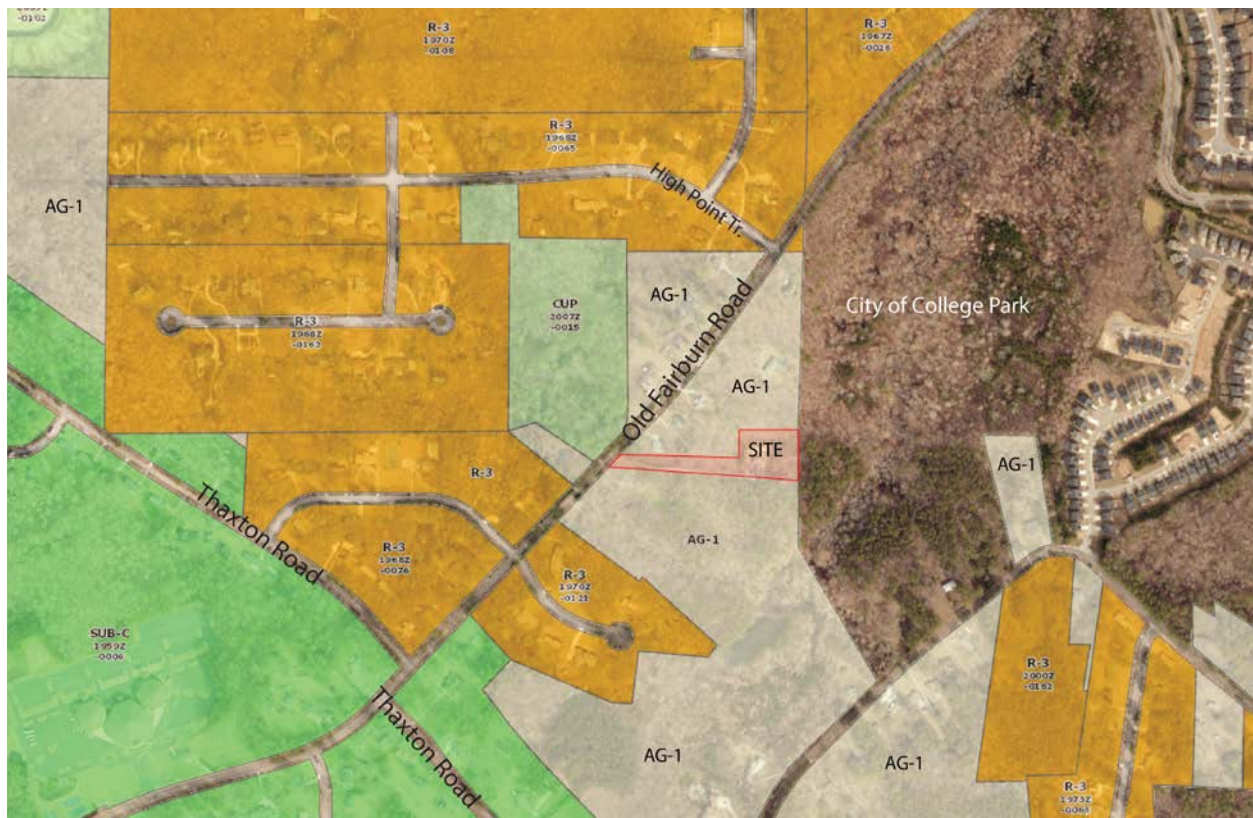
Staff collected information per Planning Commission's request during the July 17, 2018 meeting regarding the number of public service calls to the property within the past year. Code Enforcement reported no violations. Persons located at the property called 911 on themselves 26 times and called for EMS 7 times. There were 6 instances of others calling 911 services to the property. In total, there were 39 calls to the property within the last 12 months (between July 18, 2017 and July 17, 2018), a significant utilization of City resources. Zoning currently permits the servicing of 4 children and the requested use permit would permit service of 8 children. Based on the conclusions and findings herein, Staff recommends **DENIAL**.

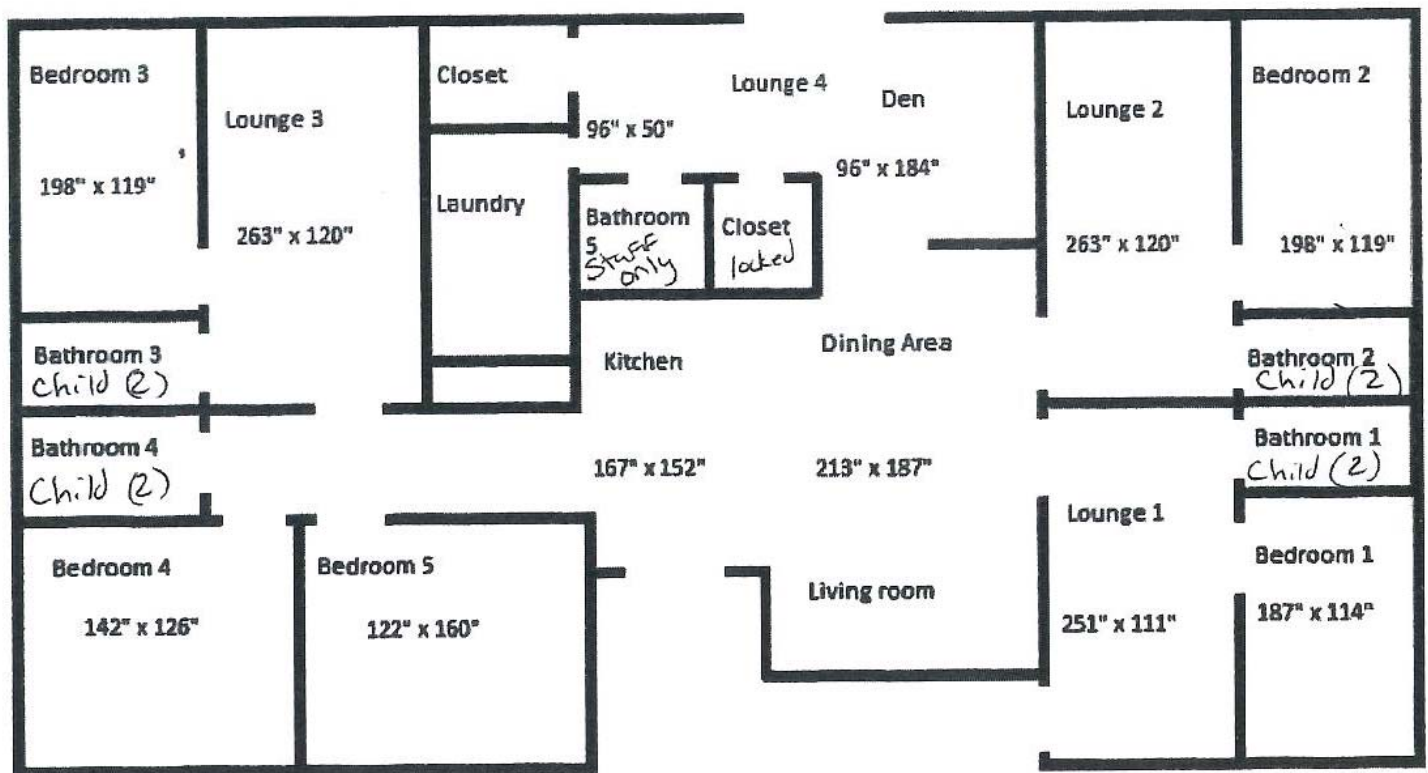
PLANNING COMMISSION RECOMMENDATION

DENIAL per Staff analysis

REVIEWED BY:

Dana Gray







CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Z18-008 Ella Lane_Two Hotels

DATE OF MEETING: 9/24/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Z18-008	Cover Memo	9/20/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, September 25, 2018, 7:00 p.m.

3. **Z18-008: Public hearing** for a **rezoning** request from MIX with conditions (Mixed-Use District) to MIX (Mixed-Use District) and to consider a change in the Comprehensive Plan's future land use designation from Suburban II Neighborhood to Community Live-Work for two hotels on Ella Lane (Parcel ID 09F070300260401)

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
INTERIM DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor & Council
FROM: Planning and Zoning Division
SUBJECT: Z18-008 for Ella Lane
DATE: September 25, 2018

John Tampa for Fairburn Hospitality, LLC seeks a rezoning from **MIX (Mixed-Use District) with conditions to C-1 (Community Business District)** to construct 2 hotels along Ella Lane.

STAFF RECOMMENDATION: APPROVAL WITH CONDITION

PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITION

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Fairburn Hospitality LLC
Status of Applicant:	Fairburn Hospitality LLC owns the property.
City Council District(s):	7
Parcel ID Number:	09F070300260401
Area of Property:	The property is composed of approximately 4.54 acres.
Current/Past Use of Property:	The property is currently vacant.
Prior Zoning Cases/History:	Z02-124 and VC03-229 , request to rezone to MIX (Mixed-Use District) – APPROVED WITH CONDITIONS M06-042 and VC06-165 , request to remove land from <i>Case No. Z02-124</i> , decreasing the number of multifamily units and allowed density – APPROVED M08-002 , request to increase the number of curb cuts accessing the development – APPROVED M10-002 , request to replace select townhouses with 20 single-family lots – APPROVED M10-008 , request to allow for a convenience store within Pod 6 – APPROVED M11-004 , request to replace select townhouses with multifamily dwelling units – APPROVED M15-005 , request to allow for a hotel at 7775 Ella Ln – APPROVED
Surrounding Zoning:	<u>Northwest</u> : Interstate 85

Remining perimeter: MIX (Mixed-Use District)

Future Land Use Designation:	Suburban II Neighborhood
Compatibility:	The proposed business will serve the residences and businesses within the Suburban II Neighborhood. A Future Land Use amendment shall be considered for this area at the node of Interstate 85 and Senoia Rd (Georgia State Route 74).
Overlay District:	None
Public Utilities:	Water and sewer service is provided to these sites by City of Fairburn and Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available by the City of South Fulton.
Transportation:	<u>Streets:</u> Senoia Rd (Georgia State Route 74) <u>Classification:</u> Arterial State Road <u>Public Transit:</u> MARTA is not available to this site <u>Bike/Pedestrian Access:</u> Sidewalks exist along Oakley Industrial Blvd onto the east side of Ella Lane, ending at the subject site property line.
Parking Required (Towneplace Suites):	96 spaces (1 space per room)
Parking Proposed:	101 spaces
Parking Required (Home 2 Suites):	92 spaces (1 space per room)
Parking Proposed:	105 spaces
Loading Required (Hotels):	0 spaces

PUBLIC PARTICIPATION

The public participation meeting was held at the Fairfield Inn at 7775 Ella Lane by the applicant on August 3, 2018, with six persons in attendance. The attendees expressed concern for their property values and if Ella Lane will connect to the Renaissance at South Park residential subdivision. It is of the opinion of the applicant that their proposal would improve property values. The applicant will not connect Ella Lane to the residential subdivision.

Twelve members of the public attended the Staff-hosted Community Zoning Information Meeting on July 12, 2018 to learn more about the project.

STAFF COMMENTS

Engineering: Reviewed; none provided

Arborist: The applicant will be required to comply with parking lot tree requirements of 4.23.2 of the *Fulton County Zoning Resolution*.

Environmental: Since the proposed uses are not an environmentally adverse use, Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning for the construction of the proposed two tourist accommodations.

Public Works: Sewer service exists in close proximity to the site.

Transportation: None provided

MARTA: Reviewed; none provided

Fulton County Schools: Reviewed; none provided

Fire: Reviewed; none provided

Legal: None provided

ZONING IMPACT ANALYSIS

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

The site abuts Renaissance at South Park subdivision and two vacant lots which are all part of a rezoning to MIX (Mixed-Use District) pursuant to Case No. Z02-124. Additionally, the existing zoning permitted 60-foot high structures, which is more than the proposed height of the 4-story hotels.

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

The proposed hotels will not adversely affect the surrounding properties as all adjacent parcels contain or are zoned to contain commercial and office uses, including one existing hotel due southwest of the subject site, with the exception of the townhomes to the northeast, which are protected by a required 25-foot undisturbed buffer and 10-foot improvement setback. Additionally, there is no connectivity between the subject site and the adjacent townhomes.

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

The current zoning of the parcel limits the use of the property to retail, service commercial and/or office and accessory use. Additionally, the property is at the node of Interstate 85 and Senoia Road, with simple access to the airport, supporting such a use at this location.

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;

The property is at the major node of Interstate 85 and Senoia Road and also access Oakley Industrial Blvd.

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

The 2035 Comprehensive Plan's Future Land Use Map designates the area as Suburban II Neighborhood. The proposed business will serve the residences and businesses within the Suburban II Neighborhood. A Future Land Use amendment shall be considered for this area at the node of Interstate 85 and Senoia Rd (Georgia State Route 74).

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

An existing zoning condition for this parcel restricts the use of each property to retail, service commercial and/or office and accessory uses. The proposed hotels use is not a use listed in the conditions of case Z02-124.

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.

The Environmental Site Assessment submitted by the applicant states that there are no adverse environmental effects projected by the site's proposed development.

PLANNER'S RECOMMENDATION

The proposed use anticipates serving the needs of existing businesses and area residents. Its location along Senoia Road and proximity to I-85 on-ramps, and existing and proposed sidewalks serves travel demands generated by the use. The proposed hotels will not adversely affect the surrounding properties as all adjacent parcels contain or are zoned to contain

commercial and office uses, including one existing hotel due southwest of the subject site, with the exception of the townhomes to the northeast, which are protected by a required 25-foot undisturbed buffer and 10-foot improvement setback. There is also no connectivity between the subject site and the townhomes. Additionally, the existing zoning permitted 60-foot high structures, which is more than the proposed height of the 4-story hotels. Based on the conclusions and findings herein, Staff recommends **APPROVAL** to rezone the property from MIX (Mixed-Use District) to C-1 (Community Business District) **with the following condition:**

- 1. The developer shall abide by the site plan dated June 21, 2018. 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. Any major deviation from this site plan is subject to approval by the Community Development Services Director or designee.**

The property is part of a major subdivision, Renaissance at South Park, zoned MIX (Mixed-Use District) and permitting residential, commercial, office, and hotel uses. This is inconsistent with the 2035 *Comprehensive Plan*'s future land use designation of Suburban II Neighborhood, which does not include MIX as one of its compatible zoning districts. As the property sits at the major intersection of Interstate 85 and Senoia Rd (Georgia State Route 74), having the same characteristics as the nearby intersection of Interstate 85 and Flat Shoals Rd, it shall match its Future Land Use Designation of Community Live-Work, which does permit the MIX zoning district. Based on the conclusions and findings herein, Staff recommends **APPROVAL** to update the Comprehensive Plan's future land use designation from Suburban II Neighborhood to Community Live-Work.

PLANNING COMMISSION RECOMMENDATION

- Proposed rezoning: APPROVAL WITH STAFF-RECOMMENDED CONDITION at the August 21, 2018 meeting
- Proposed future land use designation update: Voted on at the September 18, 2018 meeting

REVIEWED BY:

Dana Gray



Z18-008 for a Rezoning at Ella Lane
September 25, 2018
Page 4 of 4

GENERAL NOTES:

SITE ADDRESS: 0 SENOA ROAD
FARIBURN, GA
ZONING DISTRICT: MIX (MIXED USE)
PRESENT ZONING: C-1 COMMUNITY BUSINESS
PARCEL ID #: 09F0703020401

UTILITIES:

PUBLIC WATER: CITY OF S. FULTON
PUBLIC SEWER: FULTON COUNTY

ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY OF SOUTH FULTON DEVELOPMENT REGULATIONS AND FULTON COUNTY STANDARDS AND SPECIFICATIONS FOR ADDITIONAL REGULATIONS.

SITE DATA:

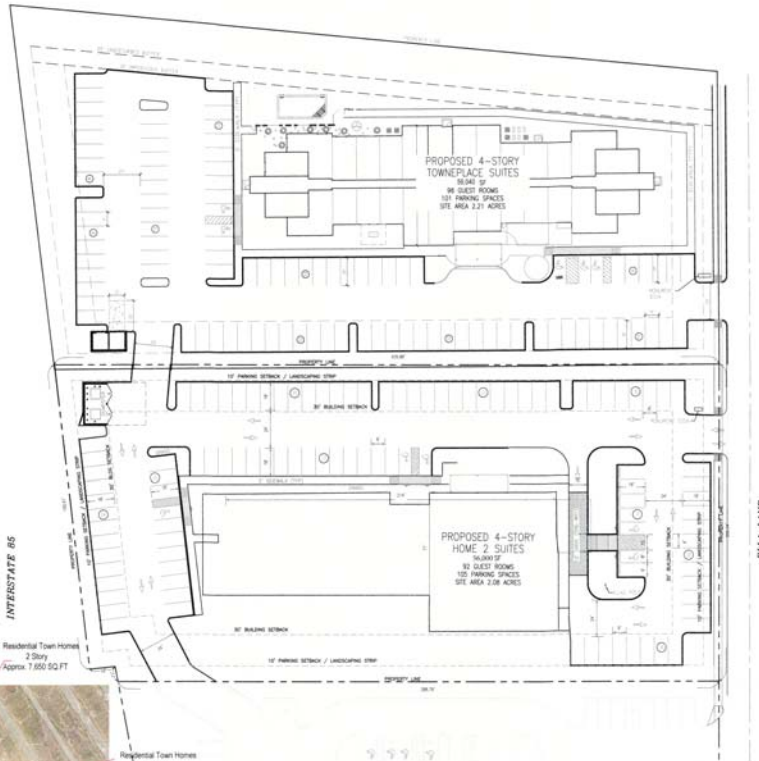
PARCEL 1 SITE AREA: 2.08 ACRES (HOME 2 SUITES)
PARCEL 2 SITE AREA: 2.21 ACRES (TOWNHOME PLACE)

FLOOD HAZARD NOTE:

THIS PROPERTY IS LOCATED WITHIN FLOOD HAZARD ZONE X AS DEFINED BY F.E.M.A. F.I.R.M. COMMUNITY PANEL NUMBER 13121 C0462 F FOR UNINCORPORATED FULTON COUNTY, GEORGIA DATED SEPTEMBER 18, 2013.

STORMWATER MANAGEMENT:

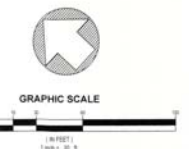
MASTER DETENTION SYSTEM HAS BEEN PROVIDED AND APPROVED FOR THIS SITE. WATER QUALITY WILL BE PROVIDED ONSITE.



VICINITY MAP

LEGEND & ABBREVIATIONS

⊕	POWER POLE (PP)
⊙	LIGHT POLE (LP)
⊞	TELEPHONE PEDESTAL
⊞	WATER METER (WM)
⊞	WATER VALVE (WV)
⊞	DOUBLE WIND CATCH BASIN (DWCB)
⊞	MANHOLE (MH)
⊞	ELECTRICAL BOX
⊞	TRANSFORMER
⊞	ELECTRICAL BOX
---	EXISTING FENCE LINE
POB	POINT OF BEGINNING
REB	REBAR
OTF	OPEN TOP PIPE
FOG	FLOOD
ROW	RIGHT OF WAY
CHP	OVER HEAD POWER



AERIAL VIEW:



ADC Development Group, LLC
1000 Peachtree Street, NE
Atlanta, GA 30309
404.525.1000
www.adcdev.com

REVISION	No.	Date	Description

PRELIMINARY PLANS &
HOME2 SUITES &
TOWNHOME SUITES
OF FARIBURN
LAND LOTS 32 & 33 DISTRICT 9F
ASCENT HOSPITALITY MANAGEMENT

DATE	JUNE 21, 2018
DRAWN	T. WIGGINS
CHECKED	A. WIGGINS
PROJECT	115.1804-01
TITLE	SITE PLAN
SHEET NUMBER	C-0



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-055 2019 Youth Football Jamboree

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-055 2019 Youth Football Jamboree	Cover Memo	9/20/2018

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4
5

6 **RESOLUTION No. 2018-055**
7

8 **A RESOLUTION ESTABLISHING THE 2019 CITY OF SOUTH FULTON FOOTBALL**
9 **JAMBOREE AND FOR OTHER LAWFUL PURPOSES.**
10

11 **(Sponsored by Councilperson Willis)**
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 finds the City's youth to be an integral part of the
20 success and prosperity of the City;
21

22 **WHEREAS**, the City Council finds that youth sports programs enable children to
23 participate in social interactions and build teamwork and leadership skills;

24 **WHEREAS**, the City Council desires to host a City Sponsored Youth Football
25 Jamboree within the City; and

26 **WHEREAS**, the City Council finds this Resolution and organized youth activities
27 to be in the best interest of the City, its residents and the general public.

28 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
29 **HEREBY RESOLVES AS FOLLOWS:**
30

31 **Section 1.**
32

33 **a. City Sponsored Event:** The City hereby establishes its desire to hold a youth
34 football tournament during 2019 which shall be known as the "City of South
35 Fulton Football Jamboree."
36

37 **b. Planning:** The City Parks and Recreation Director is hereby directed to:
38

- 39 1. Coordinate with Fulton County Public Schools ("FCPS") to bring back to the City
40 Council opportunities for use of one of FCPS's high school stadiums within the
41 City for the hosting of the event;

- 42 2. Collaborate with the City Manager, Police Chief, Finance Director, City Attorney
43 and other necessary personnel to prepare a proposed plan to present to the City
44 Council, within forty-five (45) days of this Resolution, which shall include:
45
46 a. Proposed age and/or grade level of participants;
47 b. Proposed event date(s) and scheduling of games;
48 c. Projected participation and anticipated teams, which may include invitation to
49 adjoining jurisdictions and shall include opportunity for participation of all City
50 YAA football teams within the selected age group;
51 d. Methods for registration of participating teams, including registration fees;
52 e. Proposed spectator admission fees;
53 f. City concession opportunities;
54 g. Vendor participation;
55 h. Projected overhead costs, including security and personnel.
56 i. Opportunities for the use of proceeds, minus overhead, to benefit minors and
57 disadvantage youth; and
58 j. Any additional information the Parks and Recreation Director considers
59 relevant to this event.
60

61 *****

62 **Section 2.** It is hereby declared to be the intention of the City Council that:

63 (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution
64 are, or were, upon their enactment, believed by the City Council to be fully valid,
65 enforceable and constitutional.

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

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

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

80 **Section 4.** The effective date of this Resolution shall be the date of adoption
81 unless provided otherwise by the City Charter or state and/or federal law.
82

83 **Section 5. Instruction to City Clerk.** The City Clerk is hereby instructed to
84 provide copies of the ordinance to the Parks and Recreation Director and Finance
85 Department.
86
87

88 The foregoing **RESOLUTION No. 2018-055**, adopted on _____ was
89 offered by Councilmember _____, who moved its approval. The motion was
90 seconded by Councilmember _____, and being put to a vote, the result
91 was as follows:

	AYE	NAY
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		
104		

THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
SOUTH FULTON, GEORGIA.

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-056 Communication Standards

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-056 Communication Standards	Cover Memo	9/20/2018

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

5 **RESOLUTION NO. 2018-056**
6

7 **A RESOLUTION ON EXPECTED STANDARDS OF COMMUNICATION AND FOR**
8 **OTHER LAWFUL PURPOSES.**
9

10 **(Councilpersons Willis & 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 City Manager is "responsible to the city council for the
19 administration of all city affairs placed in the City Manager's charge." Charter 3.25;
20

21 **WHEREAS**, the City Manager is additionally tasked with responsibility to ensure
22 that the "acts of the city council...are faithfully executed." Charter 3.25(4);
23

24 **WHEREAS**, the City Manager shall "[k]eep the city council fully advised as to the
25 financial condition and future needs of the city." Charter 3.25(8);
26

27 **WHEREAS**, the City Manager shall "[p]erform other such duties as are specified
28 in this charter or as may be required by the city council." Charter 3.25(9);
29

30 **WHEREAS**, the City Council wishes by this Resolution to clarify minimum
31 standards with respect to communications and other information between the City
32 Manager to the City Council; and
33

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

36 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF SOUTH FULTON,**
37 **GEORGIA, HEREBY RESOLVES:**

38 **Section 1:** The following rules shall govern communication and access to
39 information between the Mayor and City Council and City Manager:

40 **City Sponsored Events.** The City Manager, and/or his designee, shall cause for all
41 City notices advising the public of City sponsored events to be emailed to the Mayor
42 and City Council within four business hours of such notice being made available to the

public. For purposes of this Resolution, a “City sponsored event” shall be defined as an event where:

- (1) The public is invited to attend;
- (2) City employees (during work hours) and/or City resources are used to organize the event; and
- (3) The event is publicized by City personnel and/or City officials as being presented, in whole or part, by the City.

For purposes of this Resolution, City Sponsored Events shall not include:

- (1) Regular and special council meetings, or
- (2) A community or volunteer event hosted by the Mayor or less than four City Council Members so long as:
 - (a) The event is publicized as being offered by the hosting official(s) and not the City; and
 - (b) City employees (excluding the Mayor’s assistant and council aides) are not used during paid work hours to plan and/or conduct the event.

Nothing in this Resolution shall prohibit the Mayor or Councilpersons from:

- (1) Requesting the assistance of law enforcement for security purposes;
- (2) Securing volunteer assistance from city employees during non-work hours; and
- (3) Communicating with the City Manager and employees about planned events.

Media Broadcasts and Community Events. The City Manager, and/or his designee, shall cause for the Mayor and City Council to be emailed a copy of all: 1) notices received by City personnel advising the Mayor and/or any Councilmember of any community event and 2) media requests to televise and/or record any City staff during their City working hours, within two business days of the City’s receipt of such notice or request.

City Sponsored Events. The City Manager, and/or his designee, shall cause for all notices advising the public of a City sponsored event to be emailed to the City Council within four business hours of such notice being posted on the City website and/or circulated to the public. A “City sponsored event” shall include all events where City resources and employees are used to facilitate the event, but shall not include town halls hosted after regular city business hours by just one member of the City Council.

Major Public Safety Occurrences. The City Manager, and/or his designee, shall cause for the Mayor and Council to be emailed a summary of any major public safety

occurrence, within six business hours of the City Manager becoming aware of: 1) such occurrence and/or 2) any City official or employee providing information and/or an interview to any news media regarding such occurrence. A "major public safety occurrence" under this Resolution shall consist of a loss of life or destruction of City property in excess of \$1,000.00. This paragraph shall not include City personnel's communications with news media in response to Open Records Requests.

Development Proposals. The City Manager, and/or his designee, shall cause for all written development proposals concerning the City to be submitted to the Mayor and City Council, within one business day of the City Manager's receipt of such information. The City Manager, and/or his designee, shall further provide the Mayor and City Council with notice of any oral development proposal concerning the City to be brought to the City Manager's attention, within one business day of such information being made available to the City Manager.

City Property and Information. The City Manager, and/or his designee, shall make any City documents and property available to the Mayor or any Councilmember for review and/or inspection, within three business days of a request by the Mayor or any Councilmember. The City Manager shall further share any City information provided to him in the performance of his duties as City Manager, to the Mayor or any Councilmember, within two business days of a request for the same by the Mayor or any Councilmember.

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 Resolution 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 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 this Resolution.

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

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

The foregoing **RESOLUTION No. 2018-056**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

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

THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
SOUTH FULTON, GEORGIA.

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-057 Parity of Pay

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-057 Parity of Pay	Cover Memo	9/20/2018

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4
5

6 **RESOLUTION No. 2018-057**

7
8 **A RESOLUTION ENSURING PARITY OF PAY AND FOR OTHER LAWFUL**
9 **PURPOSES**

10 **(Sponsored by Councilmember khalid)**
11
12

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

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

19 **WHEREAS**, Section 4.15 of the City Charter authorizes the City Council to
20 establish personnel policies and procedures; and
21

22 **WHEREAS**, this Resolution is in the best interests of the health and general
23 welfare of the City, its residents and general public.
24

25 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY**
26 **COUNCIL** as follows:
27

28 **Section 1.**
29

- 30 1. The aforesaid recitals are not mere recitals, but are material portions of this
31 Resolution.
32
- 33 2. Each City Councilmember shall have a Legislative Aide working Part Time or
34 Full Time as determined by the Councilmember to whom they assist.
35
- 36 3. Part-Time Council Aides shall be paid an hourly rate not less than seventy-
37 five (75) percent of the hourly rate of Mayor's full-time Assistant.
38
- 39 4. The term of employment for each Legislative Aide shall run concurrently with
40 the Councilmember to whom they assist.
41
- 42 5. Legislative Aides shall maintain the City credit card assigned to the
43 Councilmember to whom they report, at such Councilmember's discretion.
44 Legislative Aides shall be authorized to make any and all purchases

determined by Councilmember and CFO/Treasurer to be appropriate for the execution of activities associated with the Councilmember's office.

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 Resolution 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 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 Resolution.

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

Section 4. The effective date of this Resolution shall be October 1, 2018 unless provided otherwise by the City Charter or state and/or federal law.

Section 5. Instruction to City Clerk. The City Clerk is hereby instructed to circulate a copy of this Resolution to the City Council Legislative Aids and Finance Department.

73 The foregoing **RESOLUTION No. 2018-057**, adopted on _____ was
74 offered by Councilmember _____, who moved its approval. The motion was
75 seconded by Councilmember _____, and being put to a vote, the result
76 was as follows:

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89
90

AYE

NAY

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

91 THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
92 SOUTH FULTON, GEORGIA.
93
94
95
96
97
98

99 _____
100 WILLIAM "BILL" EDWARDS, MAYOR
101
102
103

104 ATTEST:
105
106
107

108 _____
109 MARK MASSEY, CITY CLERK
110
111
112
113
114
115

116 APPROVED AS TO FORM:
117
118
119

120 _____
121 EMILIA C. WALKER, CITY ATTORNEY
122



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Ord2018-039 Amended Hotel and Motel Taxation

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-039 Amended Hotel and Motel Taxation	Cover Memo	9/20/2018

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

5
6 **ORDINANCE No. 2018-039**
7

8 **AN ORDINANCE AMENDING THE CITY OF SOUTH FULTON HOTEL AND MOTEL**
9 **TAXATION ORDINANCE AND FOR OTHER LAWFUL PURPOSES.**
10

11 **(Sponsored by Councilwoman Willis)**
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. § 36-35-3 to adopt
20 ordinances relating to its property, affairs, and local government;
21

22 **WHEREAS**, pursuant to City Charter Section 1.12(b)(41), the City is authorized
23 to levy and collect such other taxes that may be allowed by law;
24

25 **WHEREAS**, pursuant to O.C.G.A. § 48-13-51(a)(1)(A), the City is authorized to
26 levy and collect excise tax upon any person or legal entity licensed by, or required to
27 pay business or occupation taxes to, the City for operating a hotel, motel, inn, lodge,
28 tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or
29 accommodations are regularly furnished for value; and
30

31 **WHEREAS**, the City finds it to be in the public interest and for the health, safety,
32 welfare, comfort, and well-being of the City to adopt this Ordinance.
33

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

37 **Section 1.** Section 2-3002, Tax imposed; exceptions, of Chapter 3, Hotel and
38 Motel Taxes, of Title 2, Taxation, of the City of South Fulton Code of Ordinances is
39 hereby amended to read as follows:
40

41 **TITLE 2. TAXATION**

42 **Chapter 3. Hotel and Motel Taxes**
43

44 **Sec 2-3002. – Tax imposed; exceptions.**
45

(a) Pursuant to O.C.G.A. § 48-13-51(a)(3), there is imposed, assessed, and levied, and there is paid an excise tax of five (5) percent of the rent for every occupancy of a guestroom in a hotel in the city.

(b) The tax imposed by this chapter shall not apply to charges or transactions excluded or exempted from the tax by state law.

(c) Operators collecting the hotel-motel tax imposed by this chapter shall be allowed a reimbursement, in the form of a deduction, for collecting, submitting, reporting, and paying the amount due. The rate of the deduction shall be three percent of the amount due, but only if the amount due is not delinquent at the time of payment.

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, 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 this Ordinance.

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

Section 4. This Ordinance shall become effective the first day of the second month following its adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 5. *Instruction to City Clerk.* Unless vetoed, the City Clerk is hereby directed to forward a copy of this Ordinance to the City Finance Department.

The foregoing **ORDINANCE NO. 2018-039**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

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

THIS ORDINANCE adopted this _____ day of _____ 2018. CITY OF SOUTH
FULTON, GEORGIA.

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Ord2018-040 Telecommunications Standards

DATE OF MEETING: 9/24/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-040 Telecommunications Standards	Cover Memo	9/20/2018

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

5 **ORDINANCE NO. 2018-040**

6 **AN ORDINANCE TO ESTABLISH TELECOMMUNICATIONS STANDARDS**
7 **AND FOR OTHER LAWFUL PURPOSES**

8 **(Sponsored by Councilperson Rowell)**

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

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

14
15 **WHEREAS**, the Telecommunications Act of 1996 preserved, with certain
16 limitations, local government land use and zoning authority concerning the placement,
17 construction, and modification of wireless telecommunications facilities;

18 **WHEREAS**, the facilitation of the development of wireless service technology
19 can be an economic development asset to the City of South Fulton and a significant
20 benefit to its residents;

21
22 **WHEREAS**, to accomplish the above stated objectives and to ensure that the
23 placement, construction or modification of wireless telecommunications facilities
24 complies with all applicable Federal laws, and is consistent with its land use policies, the
25 City of South Fulton is adopting a single, comprehensive, wireless telecommunications
26 ordinance; and

27
28 **WHEREAS**, the health, safety and welfare of the citizens of the City will be
29 benefitted by the adoption of this Ordinance.

30
31 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
32 **ORDAINS** as follows:

33
34 **Section 1:** The Code of Ordinances of the City of South Fulton is hereby revised
35 by adoption of a new Title 12, Chapter 2, entitled "Telecommunication Facilities and
36 Antennas," to read in its entirety as follows:

37
38 **TITLE 12. LICENSES, PERMITS AND BUSINESS REGULATIONS**

39
40 **CHAPTER 2. TELECOMMUNICATION FACILITIES AND ANTENNAS**
41

42
43 **Sec. 12-2001. Purpose and Legislative Intent.**
44

45 The purpose of this Chapter is to establish guidelines for the siting of all wireless
46 communications towers and antennas which will encourage the development of wireless
47 communications facilities, including all Equipment and network components, while
48 protecting the health, safety, and welfare of the public and maintaining the aesthetic
49 integrity of the community, maintain the stability of property values of the residents of
50 the City, ensure that residents and businesses in the City of South Fulton have reliable
51 access to wireless telecommunications networks and state of the art communications
52 services that is accomplished according to the City of South Fulton's adopted zoning,
53 planning, and design standards.
54

55 The goals of this Chapter, therefore, are:

- 56 1) Ensure access to reliable wireless telecommunications services throughout all
57 areas of the City of South Fulton;
58
- 59 2) Encourage the use of existing monopoles, towers, utility poles and other
60 structures for the collocation of telecommunications facilities to minimize the total
61 number of towers and antennas within the community necessary to provide
62 adequate personal wireless services to residents of the City of South Fulton;
- 63 3) Minimize the number of new monopoles and towers that would otherwise need to
64 be constructed for the use of existing structures;
65
- 66 4) Encourage the location of monopoles and towers, to the extent possible, in areas
67 where the adverse impact on the community will be minimal;
68
- 69 5) To protect residential areas and land uses from potential adverse impact of
70 telecommunications towers, antenna support structures and wireless
71 telecommunications Facilities;
72
- 73 6) To promote the health, safety, and general welfare of the public by regulating the
74 siting of and establishing development standards for wireless facilities and
75 related wireless support structures, Equipment, and infrastructure;
76
- 77 7) Minimize the potential adverse effects associated with the construction of
78 monopoles and towers through the implementation of reasonable design,
79 landscaping and construction practices;
80
- 81 8) To avoid potential damage to property caused by wireless telecommunications
82 Facilities by insuring that such structures are soundly and carefully designed,
83 constructed, modified, maintained, and removed when no longer used or when
84 determined to be structurally unsound;
- 85 9) To preserve those areas of significant scenic or historic merit;

- 86 10)To facilitate implementation of an Existing Tower Map for the City of South
87 Fulton;
- 88 11)To promote and encourage the joint use of new and existing tower sites among
89 service providers;
- 90 12)To enhance the ability of the providers of wireless telecommunications services
91 to deliver such services to the community effectively and efficiently;
- 92 13)To follow and promote policies embodied in Section 704 of the Federal
93 Telecommunications Act of 1996 and O.C.G.A. § 36-66B-1, *et al.*, in such a
94 manner as not to unreasonably discriminate between Providers of functionally
95 equivalent wireless services or to prohibit or have the effect of prohibiting
96 personal wireless services in the City;
- 97 14)To encourage the location of Telecommunication Support Structures on
98 municipal property but not in public parks;
- 99 15)To enhance the ability of the Providers of Telecommunications Services to
100 deliver such services to the community effectively, efficiently and safely; and
- 101 16)To be consistent with all overlay districts within the City, to the extent practicable
102 and to the extent not in conflict with this Chapter, State or Federal law.

103 **Sec. 12-2002. - Definitions.**

104 For the purposes of this Chapter, and where not inconsistent with the context of a
105 particular section, the defined terms, phrases, words, abbreviations, and their
106 derivations shall have the meaning given in this section. When not inconsistent with the
107 context, words in the present tense include the future tense, words used in the plural
108 number include words in the singular number, and words in the singular number include
109 the plural number. The word "shall" is always mandatory, and not merely directory.
110 Words not defined herein shall be construed to have the meaning given by common and
111 ordinary usage and shall be interpreted within the context of the sentence, section and
112 article in which they occur.

113 As used in this Chapter, the following terms shall have the meanings ascribed
114 below:

115 *Abandonment* means the intent to abandon or discontinue operations as evidenced
116 by voluntary conduct such as written notice to the City to stop using the Facility or
117 failure to use a wireless telecommunications facility for a period of six months or more.

118 *Accessory facility or structure* means a structure serving or being used in
119 conjunction with the Wireless Telecommunications Facilities, and located on the same
120 property or lot as the Wireless Telecommunications Facilities, including but not limited
121 to: utility or transmission equipment, storage equipment, storage sheds or cabinets.

122 *Accessory use* means a Tower and/or Antenna is located on a lot or parcel shared
123 with a different existing primary use or existing structure.

124 *Alternative Telecommunication Support Structure:* Clock telecommunication support
125 structures, bell telecommunication support structures, church steeples, light/power

poles, electric transmission telecommunication support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication support structures. An Alternative Telecommunication Support Structure may include a pre-existing building.

Antenna means a system of electrical conductors that transmit and/or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PSC), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the City's siting, building and permitting authority.

Antenna array means a single set or group of antennas and their associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

Applicant means a person or entity submitting an application for a Wireless Telecommunications Facility, including the property owner, antenna support structure owner, and any proposed tenants for the facility.

Application means the formal request submitted to the City to construct or modify a wireless support structure, Alternative Telecommunications Support Structure or a wireless facility.

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An Attached Wireless Telecommunications Facility is considered to be an accessory use to the existing principal use on a site.

Building Permit means the official administrative authorization issued by the City prior to beginning construction.

Co-location means The placement or installation of new Telecommunications Facilities, including but not limited to, Antennas, upon a single telecommunication support structure or Alternative Telecommunication Support Structure previously approved and constructed, including towers and Monopoles, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding telecommunications support structure in the City..

Concealed means a wireless telecommunications facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure, to include antennas, ancillary structures, and utilities.

Coverage means the geographic area reached by an individual wireless telecommunications facility installation.

166 *Directional antenna* means an antenna or array of antennas designed to
167 concentrate a radio signal in a particular area.

168 *Effective radio power (ERP)* means the product of the antenna power input and the
169 numerically equal antenna power gain.

170 *Equipment* means any device or telecommunications infrastructure component
171 serving or being used in conjunction with the delivery or transmission of all types of
172 Telecommunication Services, including but not limited to, Antennas, utility transmission
173 devices, power supplies, generators, batteries, cables, storage sheds, shelters or
174 similar structures, small cell devices, and similar wireless transmitters or conduits.

175 *Equipment Enclosure* means an enclosed structure, cabinet or shelter used to
176 contain the Equipment.
177

178 *Existing tower map* refers to the siting map approved by City Council to identify
179 existing sites where wireless telecommunications facilities are located as may be
180 amended from time to time. Such map may be derived from proprietary information
181 submitted by wireless providers (see Map 1).

182 *FAA* means the Federal Aviation Administration.

183 *FCC* means the Federal Communications Commission.

184 *Fall Zone* means the area in which a wireless support structure may be expected to
185 fall in the event of a structural failure, as measured by engineering standards.

186 *Geographic search area (GSA)* means an area designated by a wireless provider or
187 operator within which the placement of Equipment is necessary to meet the engineering
188 requirements of an Applicant's cellular network or other broadcasting need.

189 *Guyed tower* means a style of telecommunication support structure consisting of a
190 single truss assembly composed of sections with bracing incorporated. The sections
191 are attached to each other, and the assembly is attached to a foundation and supported
192 by a series of wires that are connected to anchors placed in the ground or on a building.

193 *Height*, when referring to a telecommunication support structure or other structure,
194 means the distance measured from ground level to the highest point on the
195 telecommunication support structure or Alternative Telecommunication Support
196 Structure, including all Antennas or lightning rods

197 *Historic structures* means structures formally designated as a historic structure as
198 designated by the City Historic Preservation Commission or Georgia Historic
199 Preservation Division of the Department of Natural Resources or the United States
200 Department of the Interior; have sufficient historic merit as determined by the City
201 Council and the historic preservation commission so as to require preservation.

202 *Lattice tower* means a guyed or self-supporting, open frame structure that has three
203 or four sides used to support telecommunications equipment.

204 *Low power mobile radio service telecommunications facility* means an unmanned
205 facility which consists of equipment for the reception, switching and transmission of low
206 power mobile radio service communications. Such facilities may be elevated, either
207 building-mounted or ground-mounted; transmitting and receiving antennas; low power
208 mobile radio service base equipment; or interconnection equipment. The facility types
209 include: roof and/or building mounted facilities, freestanding low power mobile radio
210 service facilities, and micro-cell or repeater facilities.

211 *Low power telecommunications facility* means an unmanned facility consisting of
212 equipment for the reception, switching and/or receiving of wireless telecommunications
213 operating at 1,000 watts or less effective radiated power (ERP) including, but not limited
214 to the following:

- 215 (1) Point-to-point microwave signals.
- 216 (2) Signals through FM radio transmitters.
- 217 (3) Signals through FM radio boosters under ten watts ERP.
- 218 (4) Cellular, enhanced specialized mobile radio (ESMR), paging services and
219 personal communications networks (PCN).
- 220 (5) Private, low power mobile radio services which include industrial, land
221 transportation, emergency public safety and government, automatic vehicle
222 monitoring, personal mobile (CB's) and HAM operators.

223 *Low power telecommunications facility accessory building* means an unmanned
224 building used to house equipment related to a communications facility.

225 *Low power commercial radio mobile network* means a system of low power
226 commercial telecommunications facilities which allows wireless conversation to occur
227 from site to site.

228 *Major Modifications* means improvements to existing Telecommunications Facilities
229 or Support Structures that result in a substantial change to the Facility or Structure as
230 further described in this Chapter.

231
232 *Minor Modifications* means improvements to existing Telecommunications Facilities
233 and Support Structures that result in some material change to the Facility or Support
234 Structure but of a level, quality or intensity that is less than a "substantial" change as
235 described further in this Chapter.

236
237 *Micro-cell* means a low power mobile radio service telecommunications facility used
238 to provide increased capacity in high call-demand areas or to improve coverage to weak
239 areas. Micro-cells communicate with the primary low power mobile radio service facility
240 in a coverage area via fiber optic cable or microwave. The typical coverage area for a
241 micro-cell is a one-mile radius or less.

242 *Microwave antenna* means a dish-like antenna used to link communications sites by
243 wireless transmission of voice or data.

244 *Modification or modifications* shall have the same meaning as in O.C.G.A. § 36-
245 66B-3(7), except that modifications may also include: (i) an increase in structure height

of a pre-existing tower up to 30 percent so long as such height increase does not trigger FAA lights requirements; or (ii) the removal and replacement of a pre-existing tower with a tower at the same location that may be up to 30 percent taller so long as any such structure height increase does not trigger FAA lighting requirements. Any modification under (i) or (ii) may only occur upon a demonstration deemed sufficient to the Community Development Director that increasing structure height will allow collocation on the tower by a separate wireless service provider and that such collocation will obviate the need for a new wireless telecommunications facility in South Fulton. Any modification under (ii) shall, to the extent reasonably practicable, match the general design aesthetic of the pre-existing tower with an emphasis placed on stealth technology, though the Director shall be authorized to allow reasonable changes in tower design to accommodate technology advances or engineering loading requirements. Any modification in compliance with (i) and (ii) shall authorize a corresponding percentage increase in the size of the associated equipment compound.

Monopole means style of freestanding Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Omni-directional antenna means an antenna that is equally effective in all directions, the size of which varies depending on the frequency and gain for which it is designed.

Ordinary maintenance means the normal repair and maintenance of a telecommunications facility without adding, removing or changing any components of a telecommunications facility. Maintenance includes inspections, testing and modifications that maintain functional use, aesthetic and structural integrity. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility, strengthening the support structure's foundation or of the support structure itself, and relocating the antennas of approved telecommunications facilities to different height levels on an existing telecommunications support structure upon which they are currently located.

Planning commission means the City of South Fulton Planning Commission.

Preexisting towers and preexisting antennae means any tower or antenna, including a monopole, for which a building permit or special use permit has been properly issued prior to the effective date of this Chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Officer as used in O.C.G.A. §§ 41-2-7—41-2-17, shall mean the Chief Building Inspector of, or Director of, the South Fulton Community Development Department.

288 *Public Right-of-way* means and includes all public streets and utility easements
289 now or hereafter owned by or granted to the City, but only to the extent of the City's
290 right, title, interest or authority to authorize or permit an Applicant to occupy and use
291 such streets and easements for the erection and operation of Telecommunication
292 Facilities.

293 *Radio frequency engineer* means a radiofrequency expert with specialized training
294 and experience in the development and analysis of telecommunication networks and
295 facilities, or a professional engineer licensed in the State of Georgia and experienced in
296 the telecommunications field; however, in the event that this Chapter requires an
297 engineering certification regarding structural loading or other certification associated
298 with the safety or integrity of structures, a certification by a professional engineer
299 licensed in the State of Georgia shall be required.

300 *Repeater* means a low power mobile radio service telecommunications facility used
301 to extend coverage of cell areas to areas not covered by the originating facility.

302 *Residential district* shall mean any zoning district in the City of South Fulton that
303 allows single-family residential uses as a permitted use.

304 *Scenic view* means a wide angle or panoramic field of sight that may include natural
305 and/or manmade structures and activities. A scenic view may be from a stationary
306 viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be
307 to a faraway object, such as a mountain, or a nearby object.

308 *Screening* means the use of design, existing buildings and structures, existing
309 buffers and proposed vegetation and color to obscure a wireless telecommunications
310 facility.

311 *Sectorized panel antennas* means an array of antennas, usually rectangular in
312 shape, used to transmit and receive telecommunications signals.

313 *Separation* means the vertical distance between one carrier's antenna array and the
314 antenna array of another carrier.

315 *Siting* means the method and form of placement of a wireless telecommunications
316 facility on a specific area of a property.

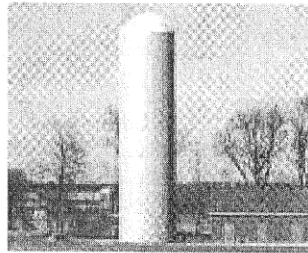
317 *Small Cell or Small Cell Installation.* See "Micro-Cell."

318 *Stealth technology installation* means alternative-design structures that in the
319 opinion of the City Council are compatible with the natural setting and surrounding
320 structures, and effectively camouflage or conceal the presence of antennas or towers.

321
322 **EXAMPLES OF STEALTH TECHNOLOGY**



Flagpole



Silo



Pine Tree

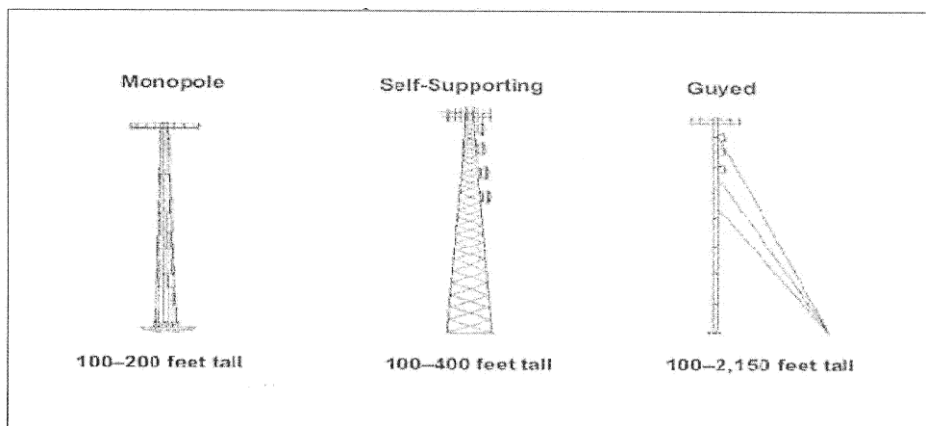
Substantial Increase in Size means:

- (i) Any increase in an existing telecommunication support structure Height by more than 10% or 10 feet (on private property) or 20 feet (on Right-of-Way), whichever is greater, as previously approved by the City, or increase in the width of the added appurtenances more than 20 feet on private property or 6 feet on the Right-of-Way as a result of Modification or Co-location of Antennas or similar telecommunication Equipment;
- (ii) An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City as a result of Modification or Co-location by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Co-location;
- (iii) A Modification or Co-location that will, as proposed, violate condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;
- (iv) A Modification or Co-location of Equipment that, as proposed, will exceed the applicable weight limits for an existing Telecommunication Facility, as approved by the City;
- (v) The addition of more than four (4) new Equipment cabinets or one (1) new shelter;
- (vi) The excavation outside existing leased or owned property and current easements; and/or
- (vii) For concealed or stealth-designed facilities, if a Modification or Co-location would defeat the concealment elements of the wireless tower or base station.

Technically feasible and viable means capable of being provided through technology which has been demonstrated in actual applications (not simply through tests or experiments) to operate in a workable manner.

Telecommunications facility means any physical component utilized in the provision of all types of telecommunications services, including all telecommunication support

structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, base support mechanism, accessory Equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunications Services.



Source: www.cdc.gov/niosh

Telecommunication Facility Owner means any person or entity that directly or indirectly owns, controls, operates, or manages Telecommunications Facilities, including any related Equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunications Service(s) mean the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative Telecommunication Support Structures, and other similar structures. In the Public Rights-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunications Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

387
388 *Utility Easement* means any easement owned by the City and acquired,
389 established, dedicated, or devoted for public utility purposes not inconsistent with
390 Telecommunication Facilities, Telecommunication Support Structures, Alternative
391 Telecommunication Support Structures, and any Antennas.
392

393 *Visual Quality* means the appropriate design, arrangement, and location of
394 telecommunication support structures in relation to the built or natural environment to
395 avoid abrupt or severe differences.

396 *Whip antenna* means an antenna that is cylindrical in shape. Whip antennas can be
397 directional or omni-directional; size varies with the frequency and gain for which they
398 are designed.
399

400 **Sec. 12-2003. Removal of Abandoned Telecommunication Facilities**

401 Any Telecommunication Support Structure or Antenna that is not operated for a
402 continuous period exceeding six (6) months shall be considered abandoned, and the
403 owner of such Telecommunication Facility shall place the applicable Antenna or
404 Telecommunication Support Structure into operation or remove the same within sixty
405 (60) days of receipt of notice from the City Manager notifying the owner of such
406 abandonment. If all applicable Telecommunication Support Structure(s) or Antenna(s)
407 are not removed within said sixty (60) days, the City may, at the direction of the City
408 Manager or designee, and in the manner provided in the O.C.G.A. §§ 41-2-7—41-2-17,
409 remove such Antenna or Telecommunication Support Structure at the owner or co-
410 owners' expense. If there are two (2) or more users of a single Telecommunication
411 Support Structure, this provision shall not become effective unless and until all users
412 cease utilizing the Telecommunication Support Structure.

413 **Sec. 12-2004. Legal Status Provisions.**

- 414 (a) Whenever the regulations of this Chapter require a greater width, depth, or
415 size of yard, or impose other more restrictive standards than are required
416 in or under any other statute or covenants, with the exception of the
417 Telecommunications Act of 1996, the requirements of this Chapter shall
418 govern. Whenever the provisions of any other statute, covenant or
419 provision of the City Code of Ordinances shall require more restrictive
420 standards than those of this Chapter, the provisions of such statutes,
421 codes or covenants shall govern.
422
- 423 (b) Any preexisting Telecommunication Facility which does not meet the
424 requirements of this Chapter shall be considered nonconforming and
425 subject to the nonconforming use provisions of the South Fulton zoning
426 ordinance; provided, however, that the installation of a new Antenna on a

Preexisting Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that (a) the new Antenna does not result in a Substantial Increase in Size and (b) the resulting Height of the Preexisting Telecommunication Support Structure is less than the maximum Height of the telecommunication support structure previously approved by the City.

Sec. 12-2005. Annual Registration of Telecommunication Facilities

The owner of any Telecommunications Facility shall submit an annual registration of such Facility on forms provided by the City. Each annual registration shall identify the tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located. Each annual registration of such Telecommunication Facility shall describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year. Each annual return shall be filed with the City Manager or designee on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount of \$75.00. Section 54-22 shall apply where an owner fails to comply with the provisions of this Section.

Sec. 12-2006. Principle or Accessory Use.

A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an Antenna or Telecommunication Support Structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

Sec. 12.2007. Inventory of Existing Sites.

The Community Development Director shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude

coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structure, and other pertinent information as may be decided by the Community Development Director.

Sec.12-2008. Design Standards

A. Design.

(1) Monopoles shall be subject to the following:

- (a) Monopoles shall be designed to accommodate at least three (3) telecommunications providers.**
- (b) The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for at least three (3) telecommunications providers.**
- (c) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City of South Fulton, Monopoles shall have a galvanized silver or gray finish.**

(2) Non-Monopole Telecommunication Facilities shall be subject to the following:

- (a) The Facilities shall be designed to accommodate at least four (4) telecommunications providers.**
- (b) A compound area surrounding the Facility must be of sufficient size to accommodate Accessory Equipment for at least four (4) telecommunications providers.**
- (c) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City of South Fulton, all Facilities shall have a galvanized silver or gray finish.**

B. Stealth Telecommunications Facilities shall be designed to accommodate the collocation of other antennas.

C. Lighting and Marking. Telecommunications facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration (FAA). If lighting is required, the Community Development Director or designee may

511 review the available federally-approved lighting alternatives and approve the
512 design that would cause the least disturbance to the surrounding area.
513

- 514 D. Signage. No signage or other identifying markings of any nature shall be
515 permitted upon any Telecommunication Support Structure or authorized
516 Alternative Telecommunication Support Structure without prior approval of the
517 City and shall comply with the City's existing sign ordinance, unless otherwise
518 required by the FAA, FCC, or other applicable authority.
519

520 E. Landscaping.

- 521
522 (1) Where adequate vegetation is not present, Telecommunication Support
523 Structures shall be landscaped with a landscaped strip of plant materials
524 which effectively screens the view of the Equipment compound.
525 Landscaped strips shall be a minimum of ten (10) feet in width and shall
526 be located outside the fenced perimeter of the compound. Landscaped
527 strips shall satisfy the minimum design and planting requirements for
528 buffers established in the City's Code of Ordinances.
529

- 530 (2) Existing mature tree growth and natural land forms on any site containing
531 an approved Telecommunications Facility shall be preserved to the
532 maximum extent possible. Where natural vegetation around the perimeter
533 of the site would provide an adequate visual screen, an undisturbed buffer
534 may be utilized.
535

- 536 (3) Amateur radio Telecommunication Support Structures, or receive-only
537 Antennas, shall not be subject to the provisions of this Section unless
538 such structures exceed thirty-five (35) feet in Height.
539

540
541 F. Setbacks. The following minimum setbacks are established:
542

- 543 (1) Property Lines. Unless otherwise stated herein, Telecommunication
544 Support Structures shall be setback from all property lines a distance
545 equal to their height measured from the base of the structure to its highest
546 point. Alternative Telecommunication Support Structures shall be
547 governed by the setbacks required by the underlying zoning district.
548

- 549 (2) Residential Dwellings. Unless otherwise stated herein,
550 Telecommunication Support Structures and Alternative Support Structures
551 shall be setback from all off-site residential dwellings a distance equal to
552 the height of the structure. There shall be no setback requirement from
553 dwellings located on the same parcel as the proposed structure. Existing
554 or replacement utility poles shall not be subject to a setback requirement.
555

(3) Unless otherwise stated herein, Guy-wires and all accessory Equipment shall be setback from all property lines in accordance with the minimum setback requirements in the underlying zoning district and shall be completely contained within the parcel on which the Telecommunication Support Structure is located. Accessory Equipment associated with an existing or replacement utility pole shall not be subject to a setback requirement.

(4) The Zoning Board of Appeals shall have the authority to reduce or waive any required setback upon the request of the applicant for a Variance if the Telecommunications Facility or Support Structure will be less visible as a result of the diminished setback. The Zoning Board of Appeals must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this ordinance. The structure must still meet the underlying setback requirements of the zone.

G. Height. The following minimum height standards have been established:

(1) Telecommunication Support Structures shall not exceed a height of one hundred fifty (150) feet from the base of the structure to the top of the highest point. Any proposed Telecommunication Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

(2) The Zoning Board of Appeals shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant for a Variance and a satisfactory showing of need for a greater height. With its waiver request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Zoning Board of Appeals.

H. Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunication Facility or Support Structure. Any Equipment not used in direct support of such operation shall not be stored on the site.

I. Telecommunication Support Structures over one hundred (100) feet in Height shall not be located closer than one thousand five hundred (1,500) feet from any existing Telecommunication Support Structure that is over one hundred (100) feet in Height.

Sec. 12-2009. Security Fencing/Anti-Climbing Devices.

(a) All Telecommunication Support Structures and related Equipment shall be enclosed by fencing not less than six (6) feet in Height and shall also be

equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other approved alternative materials, as determined by the Community Development Director or designee.

- (b) Amateur radio Telecommunication Support Structures, or receive-only Antennas, shall not be subject to the provisions of this section unless such structures exceed thirty-five (35) feet in Height.

Sec. 12-20010. Applicability.

All new Telecommunication Facilities, as well as Modification of any Telecommunication Facility, shall be subject to the regulations contained within this Chapter except as provided in subsections (1) –(3), inclusive:

- 1) *Public property.* Telecommunications Facilities on property owned by the City, with the exception of Rights-of-Way, and approved by City Council.
- 2) *Amateur radio; receive-only antennas.* This Chapter shall not govern any amateur radio tower, or the installation of any antenna, that is under 60 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- 3) *Pre-existing Telecommunications Facilities.* Any Telecommunications Facility for which a permit has been properly issued prior to the effective date of this Chapter shall not be required to meet the provisions of this Chapter, other than the requirements of sections 54-3, 54-5, 54-6, 54-7, 54-8, 54-12, 54-13, 54-18, 54-21, 54-22, 54-26 and 54-27. However, in the event a Pre-existing Telecommunications Facility ceases to function, then the subject tower, antennae and/or related equipment shall be removed from the subject property within ninety (90) days.
- 4) *Additional Antenna(s).* If an additional Antenna is Co-located upon a Preexisting Telecommunication Support Structure or Alternative Telecommunication Support Structure after adoption of this Ordinance, the fencing and landscaping requirements of Sections 54-8 and 54-9 shall be a required part of the permitting process.

Sec. 12-20011. Co-location Mandate; Availability of Suitable Existing Structures; Demonstration of Necessity.

- (a) Applicants for the erection of an Antenna, except amateur radio operators, shall be required to Co-locate upon an existing Telecommunication Support Structure or authorized Alternative Telecommunication Support Structure to the extent reasonable. No new Telecommunication Support Structure, except amateur radio Telecommunication Support Structures, shall be permitted unless the Applicant demonstrates to the satisfaction of the City that no existing Telecommunication Support Structure or authorized Alternative Telecommunication Support Structure can

644 accommodate the Applicant's proposed Antenna(s) and related
645 Equipment. The Applicant must present an affidavit which lists the
646 available existing Telecommunication Support Structures and reasons
647 why Co-location on those Telecommunication Support Structures is not
648 possible. All evidence submitted shall be signed and sealed by
649 appropriate licensed professionals or qualified industry experts and shall
650 consist of more than mere conclusory statements that no existing
651 Telecommunication Support Structure is suitable. Evidence submitted to
652 demonstrate that no existing Telecommunication Support Structure can
653 accommodate the proposed Antenna shall consist of one or more of the
654 following:

- 655
656 (1) That no existing Telecommunication Support Structures or suitable,
657 authorized Alternative Telecommunication Support Structures are
658 located within the Geographic Search Area required to meet the
659 Applicant's engineering requirements;
660
- 661 (2) That existing Telecommunication Support Structures or Alternative
662 Telecommunication Support Structures within the Geographic
663 Search Area do not have sufficient structural strength to support the
664 Applicant's proposed Antenna(s) and related Equipment. Such
665 information shall be certified by a Georgia-licensed professional
666 engineer;
667
- 668 (3) That the Applicant's proposed Antenna(s) would cause
669 electromagnetic interference with public safety emergency
670 communications or existing Antenna(s) in the Geographic Search
671 Area, or the Antenna(s) on the existing Telecommunication Support
672 Structures or Alternative Telecommunication Support Structures in
673 the Geographic Search Area would cause interference with the
674 Applicant's proposed Antenna(s);
675
- 676 (4) That the cost or contractual provisions required by the
677 Telecommunication Support Structure owner or co-owners to share
678 an existing Telecommunication Support Structure in the
679 Geographic Search Area or to adapt an existing
680 Telecommunication Support Structure for Co-location are
681 unreasonable. Costs exceeding the erection of a new
682 Telecommunication Support Structure are presumed to be
683 unreasonable; and/or
684
- 685 (5) That the Applicant adequately demonstrates that there are other
686 limiting factors that render existing Telecommunication Support
687 Structures or authorized Alternative Telecommunication Structures
688 unsuitable for Co-location.
689

- (b) For each of the above, the Applicant must provide a listing of the existing Telecommunication Support Structures or authorized Alternative Telecommunication Support Structures within the Geographic Search Area that were considered, and ultimately rejected, by the Applicant and provide a detailed explanation of why the existing Telecommunication Support Structures or authorized Alternative Telecommunication Structures within the Geographic Search Area are not suitable.

Sec. 12-20012. Building Codes; Safety Standards.

To ensure the structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the Chief Building Official concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the City may, at the direction of the Chief Building Official, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the Community Development Director or designee may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7—41-2-17.

Sec. 12-20013. Change of Ownership or Control Notification.

- (a) Upon the transfer of ownership or control of any Telecommunication Facility not located in a Public Right-of-Way or of any parcel upon which such a Telecommunication Facility has been erected, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days of the transfer.
- (b) A Grantee and any proposed assignee or transferee of an existing permit to erect and operate a Telecommunication Facility in a Public Right-of-Way shall provide and certify, via sworn affidavit, the following information to the City not more than thirty (30) days after the date of such transfer or assignment of control:

- (1) Information setting forth the nature, terms, and conditions of the proposed transfer or assignment of ownership and/or control;
- (2) All contact information for the transferee/assignee; and
- (3) Any other information reasonably required by the City.

Sec. 12-20014. Permit Application Required.

An application for a telecommunications facility permit shall be required for the construction or placement of all new wireless Telecommunications Facilities, Telecommunication Support Structures, modification of Telecommunication Support Structures and Alternative Telecommunication Support Structures and Co-Location of Antenna(s) and Equipment on existing Telecommunication Facilities, whether on private lands or public rights-of-way. . Telecommunications facility permits shall be reviewed in accordance with the standards set forth in this Chapter. The application forms and other documents and papers necessary for the implementation and enforcement of this section shall be on such forms provided by the City or, if such forms are not available, on Applicant's identifiable letterhead and include all required submissions of this Chapter. No application shall be considered by the City until such application is complete and accompanied by all necessary documents, papers, and other evidence of eligibility as may be set forth or otherwise required by the application, as well as any application fee. All applications shall be sworn to by the Applicant if an individual, or by a partner if a partnership, or by a manager or member if a limited liability company, or by an officer or equivalent position if a corporation or other legal entity.

Sec. 12-20015. Application for Permit to Modify or Co-Locate Telecommunication Facilities Not Resulting in a Substantial Increase in Size.

- (a) *Application of Section.* The Community Development Director or designee may approve the erection of additional Antennas or otherwise telecommunications Equipment upon existing Telecommunication Support Structures or Alternative Telecommunication Support Structures under this section that do not result in a Substantial Increase in Size as defined in this Article to any existing Telecommunication Facility.
- (b) *Setback Adjustments.* As part of any approval under this section, the Community Development Director or designee may reduce setback requirements for applications not in the Right-of-Way by up to ten (10) percent to compensate for irregularly shaped lots or parcels.
- (c) *Contents of Applications on private property.* All applications for permits to Modify an existing Telecommunication Facility and/or Co-locate telecommunication Equipment onto an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of a principal office and local agent of the Applicant;
- (2) An affirmative indication that the Applicant seeks either to Modify an existing Telecommunication Facility or Co-locate a Telecommunication Facility or Facilities on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure as well as an affirmative indication that the proposed plans do not result in a Substantial Increase in Size;
- (3) The Physical Address of the Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which a proposed Antenna(s) is to be installed;
- (4) Name of the person, firm, corporation or association performing Modifications to existing Telecommunication Support Structures or Alternative Telecommunication Support Structures or erecting the Antenna(s);
- (5) Written consent of the owner of the existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, and any party with an ownership interest in the applicable Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which the Antenna(s) is to be erected;
- (6) Proof of and/or certified copies of any required approval and registration, to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Co-locate the proposed Telecommunication Facility;
- (7) A description of the Telecommunication Services to be provided by and through, or otherwise in connection with, the proposed Telecommunication Facility or Modified, existing Telecommunication Support Structure or Alternative Telecommunication Support Structure;
- (8) An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities consistent with

federal standards and, if applicable, applied equally to all users of the Public Rights-of-Way;

- (9) Applications for permits to co-locate through the erection of new Antenna(s) or other Telecommunication Facilities onto an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, shall contain or have attached thereto six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the Telecommunication Support Structure for the proposed Telecommunication Facility or Facilities. Plans for Co-location shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and City codes and regulations; and

- (10) Any other information as the Community Development Director or designee may require to demonstrate full compliance with this Chapter, all other ordinances of the City and all applicable requirements of state or federal law.

- (d) *Additional requirements for Right-of-Way applications.* Applicants seeking to Modify or Co-locate Telecommunication Facilities on City property and/or in any Public Right-of-Way within the municipal limits of the City shall provide the following, in addition to the requirements of subsection (c):

- (1) Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Rights-of-Way;

- (2) A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 1/2 by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;

- 864 (3) Proof of the existence of a valid telecommunications franchise to
865 locate utilities in the public Rights-of-Way of the City, as applicable,
866 in accordance with State law.
867
- 868 (e) *Review Procedures.*
869
- 870 (1) Pre-Application Conference. Prior to submitting any application
871 governed by this section, all Applicants shall be required to attend a
872 pre-application meeting with the Chief Building Official and
873 applicable City staff to discuss the requirements for the application.
874 The Chief Building Official shall have the discretion to waive this
875 requirement.
876
- 877 (2) Deficiencies in Applications. The Community Development Director
878 or designee shall notify an Applicant submitting an application
879 governed by this section of any identified deficiencies therein within
880 thirty (30) calendar days of receipt of such an application. If the
881 Community Development Director or designee determines an
882 application is not complete, he shall notify the Applicant in writing of
883 any information required to complete the application. To the extent
884 additional information is required, the time required for an Applicant
885 to provide such information shall not be counted toward the sixty
886 (60) calendar day review period set forth herein. Upon any
887 resubmittal of an application, the Community Development Director
888 or designee shall have ten (10) additional calendar days to give
889 notice as to the completeness of the revised submission. If the
890 application remains incomplete after resubmission, said
891 incompleteness may serve as valid reason for denial of the
892 application.
893
- 894 (3) Determination by the City. Within sixty (60) calendar days after
895 receiving an application under this section, unless otherwise
896 deemed incomplete and denied for that purpose after resubmission,
897 the Community Development Director, at the direction of the Chief
898 Building Official or designee, shall issue a written determination
899 granting, granting subject to enumerated condition(s), or denying
900 the application in whole or in part. To the extent an application is
901 denied, the written determination shall be based solely on whether
902 the installation results in a Substantial Increase in Size as defined
903 in this Chapter and said basis shall be included in the written
904 determination.
905
- 906 (f) Appellate Rights. An Applicant may appeal the Community Development
907 Director's decision with respect to an application, including any denial or
908 conditional approval of an application, to the Mayor and Council by filing a
909 written notice of appeal within ten (10) calendar days of the issuance of

said decision with the Community Development Director. Failure to file a notice of appeal within ten (10) calendar days of the decision shall constitute a waiver of the Applicant's appeal rights.

- (g) Appellate Procedure. The Mayor and Council shall hold a public hearing at the next available Council Meeting, but in no circumstance more than thirty (30) calendar days of receipt of the notice of appeal of an application as provided in subsection (f). Official notice of the public hearing shall be given in accordance with the Zoning Procedures Law of the State of Georgia. In addition, said official notice of the public hearing shall include the location of the proposed facility. The Mayor and City Council shall review the appeal on the record and its determination shall be based on the same Substantial Increase in Size factors as the decision of the Community Development Director.

Sec. 12-20016. Application for Permits for Modification and/or Co-Location of Telecommunication Antennas Which Would Result in a Substantial Increase in Size.

- (a) *Contents of Application.* Applications for permits to erect new telecommunication Antennas, including, but not limited to, Small Cells and Network Infrastructure, excluding any Telecommunication Support Structure or Alternative Telecommunication Support Structure, which as proposed would result in a Substantial Increase in Size, shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of a principal office and local agent of the Applicant;
- (2) An indication of whether the Applicant seeks to Modify existing Telecommunication Facilities or Co-locate Telecommunication Facilities on an existing Telecommunication Support Structure or an Alternative Telecommunication Support Structure as well as an indication that the proposed plans result in a Substantial Increase in Size;
- (3) Address of Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which the proposed Antenna(s) is to be installed;
- (4) Name of the person, firm, corporation or association installing the Antenna(s);
- (5) Written consent of the owner of the Telecommunication Support Structure or Alternative Telecommunication Support Structure to be Modified or upon which a proposed Antenna(s) is to be erected,

and any party with an ownership interest therein whose rights and/or use will be impacted through the City's approval of the application;

- (6) Proof of and/or certified copies of any required approval, registration, and/or licensure from the Public Service Commission for any Provider of Telecommunications Service to provide Telecommunication Services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect or Modify the proposed Telecommunication Facility;
- (7) A certified statement prepared by an engineer licensed in Georgia or other qualified industry professional that the erection and operation of the proposed Antenna(s) on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, including reception and transmission functions, will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Service enjoyed by adjacent properties;
- (8) A description of all Telecommunication Services to be provided by and through, or otherwise in connection with, the proposed Telecommunication Facility or Modified, existing Telecommunication Support Structure or Alternative Telecommunication Support Structure;
- (9) A declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all City ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities;
- (10) Applications shall contain or have attached thereto six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the telecommunication support structure for the proposed Equipment. Plans for Co-location shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and City codes; and
- (11) Any other information as the Community Development Director or designee may require to demonstrate full compliance with this

Article, all other ordinances of the City and all applicable requirements of state or federal law.

- (b) *Additional requirements for Right-of-Way applications.* Applicants seeking to Modify or Co-locate Telecommunication Facilities on City property and/or in any Public Right-of-Way within the municipal limits of the City, resulting in Substantial Increase in Size, shall provide the following, in addition to the requirements of subsection (a):
- (1) Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Rights-of-Way;
 - (2) A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 1/2 by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;
 - (3) Proof of the existence of a valid telecommunications franchise to locate utilities in the public Rights-of-Way of the City, as applicable, in accordance with State law.
- (c) *Administrative Fee.* All applications for permits governed by this Section shall be accompanied by an administrative fee as provided for in Schedule of Fees adopted by Mayor and City Council.
- (d) *Considerations in Approval or Denial of an Application.* Any denial of a request to modify an existing Telecommunication Support Structure or Co-locate an Antenna(s) onto an existing Telecommunication Support Structure that would result in a Substantial Increase in Size shall be issued by the Community Development Director in writing and supported by substantial evidence. The Community Development Director shall consider, but is not limited to, the following factors in acting upon an application under the provisions of this Section:
- (1) The nature of uses, as well as the Height of existing structures, on adjacent and nearby properties;
 - (2) The surrounding topography;

- 1047
- 1048 (3) The surrounding tree coverage and foliage;
- 1049
- 1050 (4) The design of the existing Telecommunication Facility, with
- 1051 particular reference to design characteristics that have the effect of
- 1052 reducing or eliminating visual obtrusiveness, where applicable;
- 1053
- 1054 (5) The availability of suitable existing Telecommunication Support
- 1055 Structures or other Alternative Telecommunication Support
- 1056 Structures for Antenna Co-location that would not need modification
- 1057 that would Substantially Increase in Size as defined in this Chapter;
- 1058
- 1059 (6) The evidence submitted regarding the need for the
- 1060 Telecommunication Facility in the area, including but not limited to,
- 1061 propagation maps and other similar materials, where applicable;
- 1062
- 1063 (7) The effect, if any, on health, safety, and welfare if the proposed
- 1064 Modification or Co-location is permitted;
- 1065
- 1066 (8) Applicable federal, state, and local telecommunications laws,
- 1067 regulations, and policies.
- 1068
- 1069 (e) *Procedure for Issuance of permits.*
- 1070
- 1071 (1) Pre-Application Conference. Prior to submitting any application
- 1072 governed by this section, all Applicants shall be required to attend a
- 1073 pre-application meeting with the Chief Building Official and
- 1074 applicable City staff to discuss the requirements for the application.
- 1075 The Chief Building Official shall have the discretion to waive this
- 1076 requirement.
- 1077
- 1078 (2) Review for Completeness. The Community Development Director
- 1079 shall notify an Applicant submitting an application governed by this
- 1080 section of any identified deficiencies therein within thirty (30)
- 1081 calendar days of receipt of such an application. If the Community
- 1082 Development Director or designee determines an application is not
- 1083 complete, the Director shall notify the Applicant in writing of any
- 1084 information required to complete the application. To the extent
- 1085 additional information is required, the time required for an Applicant
- 1086 to provide such information shall not be counted toward the
- 1087 applicable review period set forth herein. Upon any resubmittal of
- 1088 an application, the Department shall have ten (10) additional
- 1089 calendar days to give notice as to the completeness of the revised
- 1090 submission. If an application is not complete upon resubmission,
- 1091 said incompleteness may serve as reason for immediate denial of
- 1092 the application.

- 1093
- 1094 (3) Period of Review. Within ninety (90) calendar days after receiving
- 1095 a complete application for the Modification, or Co-location of a
- 1096 Telecommunications Facility governed by this Section, the
- 1097 Community Development Director shall issue a written
- 1098 determination granting or denying the application in whole or in
- 1099 part, including imposing any conditions. Any decision by the
- 1100 Community Development Director to deny an application shall be in
- 1101 writing, shall include reasons for denial, and shall be supported by
- 1102 substantial evidence contained in a written record.
- 1103
- 1104 (4) Appellate Rights. The Community Development Director's decision
- 1105 to deny an application under this section may be appealed to the
- 1106 Mayor and Council by filing a written notice of appeal within ten (10)
- 1107 calendar days of the denial. Failure to file a notice of appeal within
- 1108 ten (10) calendar days of such a denial shall constitute a waiver of
- 1109 the Applicant's appeal rights.
- 1110
- 1111 (5) Appellate Procedure. The Mayor and Council shall hold a public hearing at the
- 1112 next available scheduled Council Meeting, but not later than thirty (30) calendar
- 1113 days of receipt of the notice of appeal of an application as provided in subsection
- 1114 (d)(4). Official notice of the public hearing shall be given in accordance with the
- 1115 state Zoning Procedures Law. In addition, said official notice of the public
- 1116 hearing shall include the location of the proposed facility. The Mayor and Council
- 1117 shall make the decision to affirm or reverse the denial on the basis of the same
- 1118 decision factors as utilized by the Community Development Director. The Mayor
- 1119 and Council's decision shall be final.
- 1120

1121 **Sec. 12-20017. Applications for permits to erect new Telecommunication Support**

1122 **Structures and Alternative Telecommunication Support Structures.**

- 1123 (a) Approval of any application for the construction of a new Telecommunication
- 1124 Support Structure or Alternative Telecommunication Support Structure shall be
- 1125 based on consideration of the following factors:
- 1126 1) Demonstrated need for proximity to residential structures and residential
- 1127 district boundaries, if applicable;
- 1128 2) Demonstrated need for the proposed height of the tower;
- 1129 3) Minimal impact on the use of adjacent properties;
- 1130 4) Surrounding topography, tree coverage and foliage that buffer the potential
- 1131 visual impact of the telecommunications facility;
- 1132 5) Design of the facility, with particular reference to design characteristics which
- 1133 have the effect of reducing or eliminating visual obtrusiveness that are
- 1134 characteristic of stealth technology installations;

- 1135 a) Antennas must be enclosed, camouflaged, screened, obscured or
1136 otherwise not readily apparent to a casual observer.
- 1137 b) If the structure is an Alternative Telecommunication Support Structure,
1138 the type of structure must be allowed within the underlying zone
1139 district. Such structures may include, but are not limited to, flagpoles,
1140 bell towers, clock towers, crosses, monuments, smoke stacks,
1141 parapets, and steeples.
1142
- 1143 c) Setbacks for the supporting structure shall be governed by the
1144 setback requirements of the underlying zoning district.
1145
- 1146 d) In case of placement on the Public Rights-of-Way, the design must be
1147 substantially similar to the nearest utility poles and any deviations
1148 therefrom shall be at the sole discretion of the Mayor and City Council.
1149
- 1150 6) Proposed ingress and egress;
- 1151 7) Availability of suitable existing Telecommunication Support Structures or
1152 Alternative Telecommunication Support Structures or alternative/emerging
1153 technologies (microcells).
- 1154 8) Demonstrated need for the telecommunications facility at the specified site,
1155 including, but not limited to, propagation maps and other similar materials,
1156 where applicable.
- 1157 9) With reference to the City of South Fulton Existing Tower Map, as amended.
- 1158 10) The Height of the proposed Telecommunication Support Structure and
1159 appurtenances thereon. In case of placement on the Right-of-Way, the
1160 height of the proposed Telecommunication Support Structure shall not
1161 exceed the height of the nearest existing utility pole.
- 1162 11) The effect, if any, on health, safety, and welfare if the proposed
1163 Telecommunication Support Structure is permitted.
- 1164 12) Applicable Federal, State and local telecommunications laws, regulations
1165 and policies.
- 1166 13) The proposed Telecommunications Support Structure's effect on property
1167 values on any adjacent and nearby residential properties.
- 1168 14) Structural safety concerns associated with the proposed Telecommunication
1169 Support Structure, including design features which minimize risks to the
1170 surrounding areas in the event of major structural failure.
- 1171 15) The public interest in minimizing the cost and disruption of construction within
1172 the Public Rights-of-Way, if applicable.

1173 16) If the Telecommunications Support Structure is proposed in the Public Right-
1174 of-Way, the likelihood, if any, that the proposed Telecommunications Facility
1175 would obstruct free and clear vision from pedestrians or motor vehicle
1176 operators, interfere with the free flow of pedestrian or vehicular traffic or
1177 otherwise pose a risk to pedestrians or motor vehicle operators.

1178 (b) All applications submitted to the Community Development Department shall include
1179 the name, address and telephone number of a principal office or a local Agent of the
1180 Applicant, name of the person, firm, corporation or association erecting a
1181 Telecommunication Support Structure or Alternative Telecommunication Support
1182 Structure, including all parties with a prospective ownership interest in the proposed
1183 Telecommunication Support Structure or Alternative Telecommunication Support
1184 Structure, written consent of all parties with an existing ownership interest, including
1185 all underlying land owners and owners or licensees of any affected, existing
1186 Telecommunication Support Structures or Alternative Telecommunication Support
1187 Structures, a complete inventory of the Applicant's existing wireless
1188 Telecommunications Facilities including Support and Alternative Support Structures
1189 and receivers/transmitters located within the City of South Fulton and a one-half
1190 mile radius surrounding the city limits, including each asset's location (plane
1191 coordinates), height and co-location usage or capabilities, and any special design
1192 features.

1193 (c) At the time of filing the application for construction of a Telecommunication Support
1194 Structure or Alternative Telecommunication Support Structure, the Applicant shall
1195 provide a site plan and information regarding Structure or accessory structure
1196 location, neighboring uses and proposed landscaping as described below.
1197 Additional documentation to be submitted with the site plan and certified by an
1198 experienced radiofrequency engineer shall delineate coverage and propagation
1199 zones, identify type of antenna and mounting location, specify type of band currently
1200 in use, and state co-location capabilities.

1201 1) The scaled site plan shall clearly indicate the location, type and height of the
1202 proposed Structure to be utilized, on-site land uses and zoning, adjacent land
1203 uses and zoning including proximity to historic or scenic view corridors,
1204 adjacent roadways, proposed means of access, setbacks from property lines,
1205 elevation drawings of the proposed tower, accessory structure and any other
1206 structures, topography, existing streams, wetlands and floodplains, parking,
1207 and other information deemed necessary by the Community Development
1208 Director to demonstrate the need for the proposed facility or assess
1209 compliance with this Chapter;

1210 2) Legal description of the parent tract and leased parcel (if applicable);

1211 3) A study including a definition of the area of coverage, capacity and radio
1212 frequency goals to be served by the Telecommunication Support Structure
1213 and Antenna and the extent to which such is needed for coverage and/or
1214 capacity. The study shall include all adjoining planned, proposed, in-service
1215 or existing sites owned by the applicant or others and a color propagation

1216 study demonstrating the existing coverage of all wireless telecommunications
1217 facilities owned and proposed by the Applicant within the GSA. The study
1218 shall also demonstrate that the proposed Height is the minimum necessary to
1219 achieve the required coverage. The study shall bear the signature and
1220 certification of a radiofrequency engineer. If a capacity issue is involved,
1221 include an analysis of the current and projected usage in the service area;

1222 4) The setback distance between the proposed Telecommunications Facility
1223 and the nearest residential unit or residentially used structure;

1224 5) When requesting a permit for construction of a Telecommunication Support
1225 Structure greater than 100 feet in height on property which is located
1226 adjacent to residentially zoned property, written certification and technical
1227 analysis of why a similar structure at a height of less than 100 feet cannot be
1228 used. Documentation shall include a propagation study of the proposed site
1229 with a Telecommunications Support Structure less than 100 feet in height;

1230 6) Certification that the Telecommunication Support Structure, the foundation
1231 and all attachments are designed and will be constructed to meet all
1232 applicable and permissible local codes, ordinances, and regulations,
1233 including any and all applicable City, State and federal laws, rules, and
1234 regulations, including but not limited to the most recent editions of the
1235 National Electrical Safety Code and the National Electrical Code, as well as
1236 accepted and responsible workmanlike industry practices and recommended
1237 practices of the National Association of Tower Erectors. Such certification
1238 and structural integrity analysis shall bear the signature and seal of a
1239 professional engineer licensed in the State of Georgia;

1240 7) Landscaping shall be designed in such a way as to preserve existing mature
1241 growth and to provide a suitable buffer of plant materials that mitigates the
1242 view of the Telecommunications Facility and accessory structures from
1243 surrounding property;

1244 8) Written, documented, detailed analysis of the impact of the proposed
1245 Telecommunications Facility addressing the factors specified in subsection
1246 (a) of this section;

1247 9) Evidence of compliance with applicable FAA requirements under 14 C.F.R. s.
1248 77, as amended, which may be a copy of the FAA notice of proposed
1249 construction or a written statement prepared and signed by a professional
1250 airspace safety consultant; and

1251 10) Copies of the National Environmental Policy Act (NEPA) and the State
1252 Historic Preservation Office (SHPO) reports for the proposed
1253 Telecommunications Facility;

1254 11) Copy of the FCC license applicable for the intended use of the facility and
1255 written certification that all emissions from any Antenna on the
1256 Telecommunication Support Structure will comply with FCC frequency
1257 emissions standards;;

- 1258 12) Documentation establishing whether a stealth technology installation is to be
1259 proposed, and if not, an explanation as to why not;
- 1260 13) A certified statement prepared by an engineer licensed in Georgia or other
1261 qualified industry professional indicating that the erection and operation of
1262 the proposed Telecommunication Support Structure or Alternative
1263 Telecommunication Support Structure, including reception and transmission
1264 functions, will not interfere with public safety communications or the usual
1265 and customary transmission or reception of radio, television, or other
1266 Telecommunication Service enjoyed by adjacent properties;
- 1267 14) Photo-simulated post-construction renderings of the completed proposed
1268 Telecommunication Support Structure, Equipment compound and/or
1269 Equipment cabinets, ancillary structures, and landscaping, if any, from
1270 locations determined at the pre-application conference, if held. The views
1271 shall incorporate before and after scenarios, a scaled color image of the
1272 proposed type of facility, an aerial map with the location of the selected
1273 views, and a description of the technical approach used to create the photo
1274 simulations. The simulations shall include a minimum of four (4) vantage
1275 points (generally north, south, east, and west). Based on the information
1276 provided at the pre-application conference, the Applicant may be required to
1277 provide other pictorial representations from other viewpoints, including, but
1278 not limited to, state highways and other major roads; state and local parks;
1279 other public lands; historic districts; preserves and historic sites normally
1280 open to the public; and from any other location where the site is visible to a
1281 large number of visitors, travelers or residents;
- 1282 15) The Community Development Director may, at his sole discretion, require a
1283 balloon test to be conducted at any time during which an application is
1284 pending before the City for Telecommunication Support Structures on private
1285 property;
- 1286 16) Applicants seeking to erect a Telecommunication Support Structure or
1287 Alternative Telecommunication Support Structure on City property and/or any
1288 Public Right-of-Way within the municipal limits of the City shall provide the
1289 following in addition to all the other requirements herein:
- 1290 a. Proof of adequate insurance or self-insurance of the Applicant to
1291 defend and cover all claims of third parties against the Applicant
1292 and/or City personnel related to the use of the Public Rights-of-Way;
- 1293 b. A description of the Applicant's service area, where applicable, which
1294 shall be sufficiently detailed so as to allow the City to respond to
1295 subscriber or end-user inquiries. For the purpose of this paragraph,
1296 an Applicant providing Telecommunication Services may, in lieu of or
1297 as a supplement to a written description, provide a map on 8 1/2 by 11
1298 inch paper that is clear and legible and that fairly depicts the service
1299 area within the municipal limits of the City. If such service area is less
1300 than the municipal limits of the City, the map shall describe the

1301 boundaries of the geographic area to be served in clear and concise
1302 terms;

1303 c. Proof of the existence of a valid telecommunications franchise to
1304 locate utilities in the public Rights-of-Way of the City, as applicable, in
1305 accordance with State law.

1306 (d) Each application shall be accompanied by a fee in accordance with the fee
1307 schedule published by the City. In addition, applicants shall be responsible for
1308 independent engineering or consulting costs incurred by the City which exceed such
1309 fee up to an additional \$7,500. All fees are subject to change as amended by the
1310 Mayor and City Council by resolution.

1311 (e)

1312 (e) Prior to issuance of a building permit, compliance with Section 106 of the National
1313 Historic Preservation Act, 16 U.S.C. § 461 et seq. shall be demonstrated (see
1314 Appendix 1).

1315 (f) In approving any application, the Mayor and City Council may impose additional
1316 conditions to the extent determined necessary to minimize adverse effects on
1317 adjoining properties.

1318 (g) *Procedures for Issuance.*

1319 (1) Pre-Application Conference. Prior to submitting any application
1320 governed by this section, all Applicants shall be required to attend a
1321 pre-application meeting with the Chief Building Official and
1322 applicable City staff to discuss the requirements for the application.
1323 The Chief Building Official shall have the discretion to waive this
1324 requirement.

1325

1326 (2) Review for Completeness. The Community Development Director
1327 shall notify an Applicant submitting an application governed by this
1328 section of any identified deficiencies therein within thirty (30)
1329 calendar days of receipt of such an application. If the Community
1330 Development Director or designee determines an application is not
1331 complete, the Director or designee shall notify the Applicant in
1332 writing of any information required to complete the application. To
1333 the extent additional information is required, the time required for
1334 an Applicant to provide such information shall not be counted
1335 toward the applicable review period set forth herein. Upon any
1336 resubmittal of an application, the Community Development Director
1337 shall have thirty (30) additional calendar days to give notice as to
1338 the completeness of the revised submission. The Community
1339 Development Director shall not forward the application for a public
1340 hearing to the City Council until the Application is deemed
1341 complete.

1342

(3) Period of Review. Within one hundred and fifty (150) calendar days after receiving a complete application for the erection of a new Telecommunications or Alternative Telecommunications Support Structure, the Mayor and City Council shall issue a written determination granting or denying the application in whole or in part, including imposing any conditions. Any decision to deny an application shall be in writing, shall include reasons for denial, and shall be supported by substantial evidence contained in a written record.

(5) The Mayor and Council shall hold a public hearing at the next available and scheduled Council Meeting, but in no respect later than thirty (30) calendar days following the receipt of a completed application as provided in this section. Official notice of the public hearing shall be given in accordance with the state Zoning Procedures Law. In addition, said official notice of the public hearing shall include the location of the proposed facility. The decision of the Mayor and City Council shall be final.

Sec. 12-20018. Access to the Public Rights-of-Way.

(a) *Franchise Fees.* Pursuant to O.C.G.A § 46-5-1(b) and in accordance with applicable State law, Providers of Telecommunication Services and Applicants for same in the Public Rights-of-Way shall provide the City due compensation for use of, and access to, a Public Right-of-Way. Such compensation shall not be assessed in a discriminatory fashion with respect to the Telecommunication Services to be provided or transmitted by or through a proposed Telecommunication Facility, in accordance with applicable state law. Said compensation for the use of the Public Right-of-Way shall be paid by the Applicant within thirty (30) days after the end of each calendar quarter.

(b) *Restoration of Public Rights-of-Way and City Property.* When a Grantee authorized to construct Telecommunication Facilities in Public Rights-of-Way, or any person acting on behalf of a Grantee, does any work affecting any Public Right-of-Way or City property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or City property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City Manager or designee. Restoration will be consistent with standards required by the City.

(c) *Indemnification.* Each Applicant shall, upon receiving a permit to erect or Modify Telecommunication Facilities in a Public Right-of-Way, and to the extent permitted by law, as a condition of such access, expressly undertake to defend, indemnify, and hold the City and its officers, appointed officials, agents, employees, and assigns harmless from and

against any and all damages, losses, and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Applicant or its affiliates, officers, employees, agents, contractors, or subcontractors in the construction, operation, maintenance, repair, or removal of any Telecommunication Facilities in Public Rights-of-Way, whether such acts are authorized, allowed, or prohibited by this Chapter.

Sec. 12-20019. Development Requirements for Telecommunication Facilities.

- a) Telecommunication Support Structures on private property may be located only in the following zoning districts subject to the restrictions and standards contained herein:

O-I	Office and Institutional District
C-1 or C-2	Commercial District
M-1, M-2 or M-1A	Industrial District
AG-1	Agricultural District
A or AL	Apartment District or Apartments Limited

- b) Telecommunication Facilities on private property in residential districts not included in subsection (a) shall only be located on Alternative Telecommunication Support Structures that are subject to the height limitations for structures in the zoning district and must utilize stealth technology to blend-in with its surroundings. Telecommunication Support Structures on the Public Right-of-Way erected to support solely microcell technology may also be permitted subject to the applicable requirements of this ordinance.

c) All applicants seeking to erect a Telecommunication Support Structure or Alternative Telecommunication Support Structure must provide evidence that no alternative location and no existing Structure can accommodate the proposed Antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by a radiofrequency engineer. Such evidence may consist of the following:

- 1) No existing Structures are located within the geographic area required to meet applicant's engineering requirements.
- 2) No existing Structure is of sufficient height to meet the applicant's engineering requirements.
- 3) No existing Structure has sufficient structural strength to support applicant's proposed Antenna(s) and related equipment.
- 4) Applicant's proposed Antenna(s) would cause electromagnetic interference with the Antenna(s) on the existing Structure.
- 5) All alternative properties in the geographic search area for the construction of a new Telecommunications Support Structure or Alternative Support Structure that are potential alternatives to the proposed location are either unacceptable or infeasible due to technical or topographical reasons.
- 6) Such other limiting factor(s) as may be demonstrated by the applicant and verified by an engineer of the City's choosing.

(d) Setbacks. Setbacks for Telecommunication Support Structures and Alternative Support Structures and above-ground transmission facilities shall be as follows:

- 1) All Telecommunications Support Structures and Alternative Support Structures, including stealth technology installations, except buried portions, shall be set back from all adjoining properties zoned nonresidential a distance equal to the height of the proposed Structure.
- 2) When a Telecommunications Facility Support Structure or Alternative Support Structure or stealth technology installation is adjacent to a residential use or residential zoning, the entire Facility must be set back from the nearest residential property line a distance equal to one and one-half times the height of the Structure.
- 3) Roof and/or building-mounted Telecommunications Facilities are exempt from the setback standards of this subsection but are not exempt from the setbacks for the zoning districts in which they are located.

(e) All new Telecommunication Support Structures or Alternative Telecommunication Support Structures must meet the following maximum heights and be designed and built in a manner that allows other entities to co-locate on the structure using the following guidelines:

MAXIMUM TELECOMMUNICATIONS SUPPORT STRUCTURE OR ALTERNATIVE SUPPORT STRUCTURE HEIGHTS

Zoning District	Two Users	Three Users	Four Users
O-I	120'	150'	150'
C-1/C-2/M-1/M-1A/M-2/A/AL/AG-1	120'	150'	150'
Single Family Residential Districts	Maximum District Height for Accessory Structures	Maximum District Height for Accessory Structures	Maximum District Height for Accessory Structures

1452

- 1453 (f) All Telecommunication Support Structures and related Equipment shall maximize
1454 the use of building materials, colors, textures, screening and landscaping that, in the
1455 opinion of the Community Development Director or designee, effectively blend the
1456 Facilities within the surrounding natural setting and built environment. Where
1457 appropriate, Structures shall be painted so as to reduce their visual obtrusiveness,
1458 subject to any applicable standards of the Federal Aviation Administration (FAA).
- 1459 (g) Roof top antennas and associated structures shall not project more than ten feet
1460 above roof lines.
- 1461 (h) The Structure shall comply with applicable state and local statutes and
1462 ordinances, including, but not limited to, building and safety codes. Structures which
1463 have become unsafe or dilapidated shall be repaired or removed pursuant to
1464 applicable state and local statutes and ordinances.
- 1465 (i) Telecommunications facilities shall not be artificially lighted except to assure
1466 human safety or as required by the Federal Aviation Administration (FAA).
- 1467 (j) Structures shall be designed and constructed to ensure that the structural failure or
1468 collapse of the tower will not create a safety hazard to adjoining properties,
1469 according to applicable federal standards which may be amended from time to time.
- 1470 (k) Telecommunication Support Structures or Alternative Support Structures shall not
1471 be located in 100-year floodplain or delineated wetlands.
- 1472 (l) All guy wires must be anchored on site and outside of right-of-way and outside
1473 minimum building setback.
- 1474 (m) Structures not requiring FAA painting/marketing shall utilize Stealth Technology
1475 Installation to the maximum extent possible, and otherwise shall have either a
1476 galvanized finish or be painted a dull blue, green, gray, or black finish.
- 1477 1)
- 1478 (n) Protection of scenic views. The Mayor and City Council shall determine the likely
1479 visual impact of any proposed Telecommunications Support Structure and Facility.

Based on the information presented, the Mayor and Council may recommend an alternative location for the Facility or may recommend a redesign in order to minimize the visual impact on the scenic character and beauty of the area. In determining whether or not a Telecommunication Support Structure and Facility would have an undue adverse visual impact and when setting conditions in the permit, they shall consider:

- 1) The period of time during which it would be viewed by persons traveling on roads and/or highways;
- 2) The frequency with which persons traveling on roads and/or highways will view the Facility;
- 3) The degree to which it will be screened by existing vegetation, the topography of the land, and existing structures;
- 4) Background features that will either obscure it or make it more conspicuous;
- 5) Its distance from key vantage points and the proportion of it which will be visible above the skyline or tree line;
- 6) The number of members of the traveling public or residents who will be affected by the alteration of the scenic character and beauty of the area;
- 7) The sensitivity or unique value of the particular view affected by it;
- 8) Significant disruption of a view shed that provides context to a historic structure or scenic view; and
- 9) The utilization of stealth technology installations.

Sec. 12-20020. Expiration of Permit.

Approved applications for erection of a Telecommunication Support Structure or Alternative Support Structure shall expire one year from the date of the approval by the Mayor and Council unless the property/Facility owner makes substantial progress toward the completion of on-site construction depicted on the site plan. Substantial progress shall have been demonstrated when, within one year of the date of the issuance of the permit, the Director of Community Development Department determines that continuous, observable progress is being made to completion according to an approved construction schedule.

Sec. 12-20021. Maintenance of Facilities and Structures.

- (a) All Telecommunications Facilities and related landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of any person, nor shall they be a blight upon the property as determined by the Community Development Director or designee.
- (b) All maintenance or construction on Telecommunications Facilities shall be performed by persons employed by or under contract to the owner between the

hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency or when an after-hours permit is obtained pursuant to the City of South Fulton Noise Ordinance. Access to facilities on city-owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of access to City sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.

- (c) The owner or user of any new or existing Telecommunications Facility shall have each such Facility inspected on a yearly basis for compliance with all building and other applicable codes no later than the end of the first quarter of each calendar year. The inspection report shall be submitted to the City no later than the end of the second quarter of each calendar year. Failure to timely submit said report on a yearly basis shall be a violation of this Ordinance and shall subject the owner of the Facility to a fine upon conviction not to exceed \$1,000.00 for each day the report is late and may be a cause for revocation of the Facility permit.

Sec. 12-20022. Revocation of Permit.

- (a) Any authorization to erect or operate Telecommunication Facilities granted by the Community Development Director may be revoked for the following reasons:
- (1) Erection or operation of Telecommunication Facilities at an unauthorized location;
 - (2) Misrepresentation by or on behalf of an Applicant or permit holder in any representation to the City;
 - (3) Abandonment of applicable Telecommunication Facilities as set forth in this in this Chapter;
 - (4) Failure to pay required franchise fees for access and use of Public Rights-of-Way, as applicable;
 - (5) Violation of a material provision of this Chapter, or City, State or Federal laws applicable to erection and maintenance of a Telecommunication Support Structure or Facility; or
 - (6) Violation of a material condition set forth in any permit or authorization to erect and operate a Telecommunication Support Structure or Facility.
- (b) A Notice of Revocation shall be given to the Support Structure and/or Facility owner or assignee in writing by certified mail, return receipt requested, stating the reasons therefor. An appeal of a Notice of Revocation may be made by filing a Notice of Appeal with the Community Development Director within ten (10) business days following the Notice of Revocation. A Notice of Appeal shall be

heard by the Mayor and City Council within thirty (30) days following said Notice of Appeal, and a decision by the Mayor and City Council must be made at, or within ten (10) days of, said hearing, and must be delivered to the appellant in writing, stating the reasons therefor. Said writing shall constitute the final decision of the City concerning said appeal. A Permit to erect a Telecommunication Support or Alternate Telecommunication Support Structure that is granted by Mayor and Council as required in this Chapter may only be revoked by the Mayor and City Council after a hearing advertised in accordance with the Zoning Procedures Act.

Sec. 12-20023. Limitation on Municipal Authority

In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:

- (a) Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Co-location to such structure be subject to a review inconsistent with this Chapter;
- (b) Require the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
- (c) Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

Sec. 12-10024. Bond Requirement for New Telecommunication Support Structures.

Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars (\$25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this Article. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for

the provider bond or letter of credit and (d) in the case of a bond, shall include a statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

Sec. 12-20025. Non-Discrimination.

In evaluating any application governed by this Chapter, the City shall not unreasonably discriminate among Providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or the content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

Sec. 12-20026. Inspections.

(a) Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

(b) In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the performance of his duty in making such inspection, may be suspended or revoked at the discretion of the City Manager.

Sec. 12-20027. Penalties for Violation.

In addition to the other remedies available to the City for violation of this Chapter set forth herein or in any other applicable provision of the Code of Ordinances, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a fine for failure to comply with the provisions of this Chapter or a sentence not to exceed sixty (60) days. Such a fine shall not exceed one thousand dollars (\$1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing contained in this section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this Chapter.

Sec. 12-20028. Appeals of Decisions of the Mayor and City Council.

Appeals of decisions of Mayor and Council under this Chapter shall be by writ of certiorari to the Superior Court of Fulton County in accordance with State Law.

Sec. 12-20029. Facilities lease.

The City Council may approve facilities leases for the location of Telecommunications Facilities upon city-owned property. Neither this section, nor any other provision of this chapter shall be construed to create an entitlement or vested right in any person or entity of any type.

Sec. 12-20030. Lease application.

Any person that desires to solicit the City's approval of a Facilities Lease pursuant to this Chapter shall file a lease proposal with the City's Community Development Department which, in addition to the information required by section 54-14 and 54-15, shall include the following:

- 1) A description of the Telecommunications Facilities or other Equipment proposed to be located upon City property;
- 2) A description of the City property upon which the applicant proposes to locate Telecommunications Facilities or other Equipment;
- 3) Preliminary plans and specifications in sufficient detail to identify:
 - a. The location(s) of existing wireless transmission or Telecommunications Facilities or other Equipment upon the City property, whether publicly or privately owned.
 - b. The location and source of electric and other utilities required for the installation and operation of the proposed Facilities.
- 4) Accurate scaled conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed Telecommunications Facilities or other Equipment;
- 5) Whether the applicant intends to provide cable service, video dial tone service or other video programming service from the Facility, and sufficient information to determine whether such service is subject to cable franchising;
- 6) An accurate map showing the location of any Wireless Telecommunications Facilities in the City that applicant intends to use or lease;
- 7) A landscaping bond in an amount to be determined by the City Arborist;
- 8) Such other and further information as may be requested by the City; and

1685 9) An application fee for lease negotiation in accordance with the fee schedule
1686 published by the City.

1687 **Sec. 12-20032. - Determination by the City.**

1688 Recognizing that the City is under no obligation to grant a Facilities Lease for the
1689 use of City property, the City shall strive to consider and take action on applications for
1690 Facilities Leases within 60 days after receiving a complete application for such a lease.
1691 When such action is taken, the City shall issue a written determination granting or
1692 denying the lease in whole or in part, applying such criteria as the Mayor and City
1693 Council may choose to apply.

1694 **Sec. 12-20033. Agreement.**

1695 No Facilities Lease shall be deemed to have been granted hereunder until the
1696 applicant and the City have executed a written agreement setting forth the particular
1697 terms and provisions under which the lessee has been granted the right to occupy and
1698 use the City property.

1699 **Sec. 12-20034. Nonexclusive lease.**

1700 No Facilities Lease granted under this Chapter shall confer any exclusive right,
1701 privilege, license, or franchise to occupy or use City property for delivery of
1702 telecommunications services or any other purposes nor shall approval of a lease entitle
1703 the applicant to a permit to construct or place a Wireless Telecommunications Facility.

Sec. 12-20035. Term of Facilities Lease.

Unless otherwise specified in a lease agreement, a Facilities Lease granted hereunder shall be valid for a term of up to five years, with the lessee granted a maximum of three, five-year renewal options which options shall also be subject to approval of Council. The term of any such agreement shall not exceed 20 years.

Sec. 12-20036. Rights granted.

No Facilities Lease granted under this Chapter shall convey any right, title or interest in the City property, but shall be deemed a license only to use and occupy the City property for the limited purposes and term stated in the lease agreement. Further, no Facilities Lease shall be construed as any warranty of title.

Sec. 12-20037. Interference with other users.

No Facilities Lease shall be granted under this Chapter unless it contains a provision which is substantially similar to the following:

“The City has previously entered into leases with other tenants for their equipment and Wireless Telecommunications Facilities. Lessee acknowledges that the City is also leasing the City property for the purposes of transmitting and receiving telecommunication signals from the City property. The City, however, is not in any way responsible or liable for any interference with lessee's use of the City property which may be caused by the use and operation of any other tenant's equipment, even if

caused by new technology. In the event that any other tenant's activities interfere with the lessee's use of the City property, and the lessee cannot work out this interference with the other tenants, the lessee may, upon 60 days' notice to the City, terminate this lease and restore the City property to its original condition, reasonable wear and tear excepted. The lessee shall cooperate with all other tenants to identify the causes of and work towards the resolution of any electronic interference problem. In addition, the lessee agrees to eliminate any radio or television interference caused to City-owned Facilities or surrounding residences at lessee's own expense and without installation of extra filters on City-owned equipment. Lessee further agrees to accept such interference as may be received from City-operated telecommunications or other Facilities located upon the City property subject to this lease."

Sec. 12-20038. Ownership and removal of improvements.

No Facilities Lease shall be granted under this Chapter unless it contains a provision which states that all buildings, landscaping, and all other improvements, except telecommunications equipment, shall become the property of the City upon expiration or termination of the lease. In the event that the City requires removal of such improvements, such removal shall be accomplished at the sole expense of the lessee and completed within 90 days after receiving notice from the City requiring removal of the improvements. In the event that Wireless Telecommunications Facilities or other Equipment are left upon City property after expiration or termination of the lease, they shall become the property of the City if not removed by the lessee upon 30 days' written notice from the City.

Sec. 12-20039. Compensation to the City.

(a) Each Facilities Lease granted under this Chapter is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the rights granted to the lessee; provided, nothing in these sections shall prohibit the City and a lessee from agreeing to the compensation to be paid. Such compensation shall be payable in advance of the effective date of the lease and on or before January 31 of each calendar year. Any payments received after the due date shall include a late payment penalty of two percent of the annual rental fee for each day or part thereof past the due date. The compensation shall be negotiated by the City Manager or designee, subject to the City Council's final approval, based on the following criteria:

- 1) Comparable lease rates for other public or private property;
- 2) In the case land is leased, an appraisal opinion upon which the land and air space is rented;
- 3) If structure of another user is involved, any amount needed to reimburse that user, in addition to the above;
- 4) A yearly escalator rate commonly used in comparable leases;
- 5) The additional rent such structure may generate if leased to additional users. (the City should be entitled to rent as a result of a sublease);

- 6) Additional fees or charges may be established by the City to cover actual costs of processing the application, including engineering review, inspection and appraisal cost, legal, administration of the agreement, providing on-site services, and/or other direct or indirect costs.

Sec. 512-20040. Amendment of Facilities Lease.

Except as provided within an existing lease agreement, a new lease application and lease agreement shall be required of any telecommunications carrier or other entity that desires to expand, modify, or relocate its Telecommunications Facilities or other equipment located upon City property. If ordered by the City to locate or relocate its Telecommunications Facilities or other equipment on the City property, the City shall grant a lease amendment without further application. Such amendment must be approved by the City Council.

Sec. 12-20041. Renewal application.

A lessee that desires to exercise a renewal option in its Facilities Lease under this Chapter shall, not more than 180 days nor less than 120 days before expiration of the current facilities lease term, file an application with the City for renewal of its facilities lease which shall include the following:

- 1) The information required pursuant to section 54-30 of this Chapter;
- 2) Any information required pursuant to the facilities lease agreement between the City and the lessee;
- 3) A report certified by a radiofrequency engineer that the site is in compliance with current FCC radio emission standards;
- 4) All deposits or charges required pursuant to this Chapter; and
- 5) An application fee which shall be set by the City Council as referenced in this Chapter or as amended from time to time by resolution.

Sec. 12-20042. Renewal determination.

Recognizing that the City is under no obligation to grant a renewal of a Facilities Lease for the use of City property, the City shall strive to consider and take action on applications for renewal of such leases within 60 days after receiving a complete application for such a lease renewal. When such action is taken, the City shall issue a written determination granting or denying the lease renewal in whole or in part, applying such criteria as the City Council may choose to apply.

Sec. 12-20043. Obligation to cure as a condition of renewal.

No Facilities Lease shall be renewed until any ongoing violations or defaults in the lessee's performance of the lease agreement, or of the requirements of these sections, have been cured, or a plan detailing the corrective action to be taken by the lessee has

been approved by the City. In no event shall a Facilities Lease be renewed if lessee fails to cure.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

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

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. The effective date of the ordinance shall be the date of adoption unless otherwise specified herein.

The foregoing **ORDINANCE No. 2018-040**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

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

THIS ORDINANCE adopted this _____ day of _____ 2018. CITY OF SOUTH
FULTON, GEORGIA.

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Request Approval of Youth Athletic Association Interim Plan

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
YAA Session Presentation	Cover Memo	9/20/2018



CITY OF SOUTH FULTON CITY COUNCIL WORK SESSION PARKS & RECREATION

WILLIAM “BILL” EDWARDS
Mayor

ODIE DONALD II
City Manager

Presented By:
Tony M. Phillips, Director



DEPARTMENT OF PARKS & RECREATION

YOUTH ATHLETIC ASSOCIATIONS PARKS ORDINANCE AND PROCESS CHANGES & PARKS MASTER PLAN



BACKGROUND



- **YOUTH ATHLETIC ASSOCIATIONS (YAA)**
 - ✓ Registered non-profits through the Georgia Secretary of State
 - ✓ Operated by volunteer board members (elected), parents, and coaches via YAA by-laws
 - ✓ Provide youth athletic programming:
 - Football, baseball, soccer, cheerleading
 - ✓ Current season (FALL 2018)- youth football
 - First youth athletic season under new parks ordinance



YOUTH FOOTBALL (Fall 2018)



- ✓ Registration in recent seasons has typically begun in April
- ✓ Upon the transition of the Department of Parks & Recreation (DPR) to the City on May 28th the Department began operating in accordance with the City's Parks Ordinance
- ✓ Several **specific and new** requirements for youth athletics were implemented, including but not limited to;
 - **Sec. 11-2005.** – Fees - Department of Parks & Recreation fees shall be paid via the City's CivicRec online registration system
 - **Sec. 11-7003.** - Participant registration. (a) All participant registration shall be conducted through the City Department of Parks & Recreation



PARKS ORDINANCE



- ✓ The aforementioned provisions of the Parks Ordinance requires all registrations to be done through CivicRec (online registration system).
- ✓ The City retains the required maintenance fee (\$10 per resident, \$20 per non-resident) and remits the balance to the YAA.
- ✓ Failure to comply with the ordinance would lead to the prospect of disallowing practices and games until compliance and/or a resolution could be implemented.
- ✓ The timing of the DPR transition (May 28th) did not optimally align with the start of youth football season activities.



Moving Forward



- ✓ The DPR has consulted with the City Manager & the City Attorney on the relevant issues related to the following recommendations listed below. Contingent upon any interim changes being approved by the City Council, there were no legal concerns.
- ✓ The DPR has also maintained an active and open dialogue with all YAA stakeholders. That dialogue has provided a *consensus* centered around three primary areas where flexibility could be utilized for the initial youth football season in the City of South Fulton.



PARKS ORDINANCE



- ✓ **Registration/Maintenance Fees:** YAA's began collecting registration fees prior to the DPR transition.
- ✓ In lieu of retroactively putting all registration fees into CivicRec, each YAA would agree to pay all required maintenance fees for each registrant (\$10 resident, \$20 non-resident) directly to the DPR.
- ✓ As required by the Parks Ordinance, each YAA will submit a financial statement detailing its budget to include a balance sheet and bank statements. Documents should be submitted within 14 days of the season's completion.



YOUTH FOOTBALL & CHEER (Fall 2018)



- ✓ **Data:** All registration data must be entered into CivicRec. Each YAA will provide detailed registration information to the DPR for all participants, by available means, to include the import of data from other previously used registration systems where viable, in addition to certified league rosters.
- ✓ **Concessions:** The DPR is actively working with the Purchasing Manager to craft a RFP with the goal of identifying a viable, revenue positive, concessions provider for the entire parks system and the City. That long-term option will not be in place for the current football season.



YOUTH FOOTBALL & CHEER (Fall 2018)



- ✓ There have been concerns about *unregulated and unpermitted concessions* at various parks. In order to implement a viable concessions option for each park for the current season *specific conditions need to be met*. Among those would be the following:
 - ***Only*** specific selected and approved vendors at each park will be permitted to provide concessions.
 - Each YAA has provided a detailed description of the vendor(s) they propose to use for the 2018 football season.



PARKS ORDINANCE



- ✓ **Old National Youth Athletic Association:** All concessions will be operated solely by the Association (Renee Mumford-President).
- ✓ **Sandtown Youth Sports Association:** Tavaris Rachel (parent) will provide concession services during the 2018 football season.
- ✓ **Welcome All Park Athletic Association:** TNT Barbecue Owner & CoolZone Owner
- ✓ All concession stand operations will be subject to regular inspection by the CoSF and the DPR.



YOUTH FOOTBALL & CHEER (Fall 2018)



- ✓ As required by the Parks Ordinance, all YAA's will provide a *certificate of insurance* specifically listing the CoSF as insured.
- ✓ As required by the Parks Ordinance, all YAA's will submit a financial statement detailing its budget to include a balance sheet and bank statements. Documents should be submitted within 14 days of the season's completion (inclusive of all concession revenues).
- ✓ The interim revenue, data, & concessions plans would only be applicable to the 2018 football season. The CoSF and the DPR will work to provide viable long-term options throughout all parks moving forward, in conjunction with the Parks Ordinance, that will supplant any interim considerations.





PARKS MASTER PLAN PROCESS





- ✓ **On January 23, 2018 the City Council adopted Resolution # 2018 – 007 commissioning a master plan** to include an organizational, operational, maintenance, financial, service and program analysis, needs assessment, demographic trends, and recommendations and strategies for improvement and implementation.
- ✓ **Engaging the community is a key element of the plan.** The community will assist with designing local standards to prioritize park, recreation, trail and open space needs citywide.



PARKS MASTER PLAN KEY ELEMENTS



A Parks Master Plan is a unifying vision for a livable, sustainable community. It's a public declaration of principles and goals for a seamless, sustainable system of great parks, public spaces, natural areas & cultural areas, greenways, trails, and streets.

The master plan has specific key elements:

- ✓ Existing Conditions Analysis
- ✓ Needs & Priorities Assessment
- ✓ Long-Range Vision
- ✓ Implementation Strategy
- ✓ Final Plan + Adoption



CURRENT PROGRESS & NEXT STEPS



- ✓ Working in coordination with the Purchasing Manager to issue a RFP within the next 30 days
- ✓ 45 to 60 days to bid selection and referral to the Mayor and City Council
- ✓ Will be a cornerstone and spring board to drive informed decision making and to open the door to additional opportunities
 - Grants and other funding opportunities
 - Agency Accreditation





Q&A





CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Request Approval of IGA for Public Works with City of Peachtree Corners

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Agr2018-027 IGA with City of Peachtree Corners	Cover Memo	9/20/2018

**INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN THE CITY OF SOUTH FULTON,
GEORGIA AND THE CITY OF PEACHTREE CORNERS,
GEORGIA
FOR PROVISION OF PUBLIC WORKS SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is entered into this ____ day of _____, 2018 by and between the City of South Fulton, Georgia (South Fulton) and the City of Peachtree Corners, Georgia ("Peachtree Corners").

WHEREAS, South Fulton and Peachtree Corners are dutifully constituted Georgia municipal corporations;

WHEREAS, South Fulton and Peachtree Corners are contiguous;

WHEREAS, Article IX, Section III, Paragraph I(a) of the Georgia Constitution authorizes, among other things, any municipality to contract, for a period not exceeding fifty years, with another municipality for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide;

WHEREAS, pursuant to the South Fulton Charter Section 1.12(b)(7), South Fulton is authorized "[t]o enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;"

WHEREAS, pursuant to the Peachtree Corners Charter Section 1.12(a)(4), Peachtree Corners is authorized "[t]o enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;"

WHEREAS, South Fulton desires to enter into this Agreement with Peachtree Corners for the provision of public works services;

WHEREAS, Peachtree Corners has contracted with CH2M Hill Engineers, Inc. ("Contractor") for the provisions of public works services; and

WHEREAS, Peachtree Corners is willing to amend its contract with Contractor in order to provide public works services to South Fulton pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, the sums hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

ARTICLE I - OBLIGATIONS OF PEACHTREE CORNERS

1.1 Peachtree Corners shall, through Contractor, provide personnel and equipment to carry out and complete in a good, firm, substantial, and workmanlike manner the public works services needed by South Fulton.

1.2 The general scope of work provided by Contractor will include but not be limited to the following public works services for the needs and safety of the citizens of South Fulton in accordance with the Contract Agreement for the Provision of Public Works Services between Peachtree Corners and Contractor: grounds maintenance; roads, sidewalk and street maintenance; clean-up of litter and illegal dumping in the City's right-of-ways; solid waste management program; facilities maintenance; fleet maintenance; street sign and lighting administration and maintenance; stormwater management; call center/customer service; and management of capital improvement program projects. The specific scope of work and key performance indicators (KPIs) will be further defined by Task Orders between South Fulton and Contractor.

1.3 Throughout the term of this Agreement, Peachtree Corners shall make Contractor's personnel and equipment available to South Fulton for the maintenance of its public works projects and services, unless otherwise agreed to by Peachtree Corners and South Fulton in writing.

ARTICLE II - OBLIGATIONS OF SOUTH FULTON

2.1 With respect to all public works services performed by Contractor for South Fulton, Contractor shall invoice South Fulton directly and South Fulton shall pay all base monthly fees and any additional fees directly to Contractor.

2.2 South Fulton shall account for all revenue and expenses for the public works services performed by Contractor for South Fulton.

ARTICLE III - TERM OF AGREEMENT

3.1 The term of this Agreement is for a period commencing on _____ at 12:00 A.M. and ending on _____. The Agreement may be extended upon mutual Agreement of the Parties herein.

3.2 Either party may terminate this Agreement for any reason upon six (6) months written notice to the other party.

ARTICLE IV - INDEPENDENT PERSONNEL

4.1 Contractor's employees providing services to South Fulton pursuant to this Agreement continue to be sole employees of Contractor and shall not be considered employees or agents of Peachtree Corners or South Fulton for the purposes of any liability and/or salary and benefits for any period of time when personnel are provided for public works services pursuant to this Agreement.

ARTICLE V - NOTICES

5.1 All required notices shall be given by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below or at such other addresses as has been previously furnished in writing, to the other party or parties.

Such notice shall be deemed to have been given when deposited in the United States mail. Any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to South Fulton: City Manager
 City of South Fulton
 5440 Fulton Industrial Blvd.
 Atlanta, GA 30336
 Office number: 470-809-7700
 Facsimile number:

With a copy to: City Attorney
 City of South Fulton

 South Fulton, GA 30336
 Office number: _____
 Facsimile number: _____

If to Peachtree Corners: City Manager
 City of Peachtree Corners
 147 Technology Pkwy, Suite 200
 Peachtree Corners, Georgia 30092
 Office number: 678-691-1200
 Facsimile number: 678-961-1201

With a copy to: City Attorney
 City of Peachtree Corners
 315 Washington Avenue
 Marietta, GA 30060

ARTICLE VI - ASSIGNMENT

6.1 Neither party shall assign any of the obligations or benefits of this Agreement without prior written consent signed by both parties.

ARTICLE VII -INDEMNIFICATION

7.1 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law. To the extent permitted by law, and only to the extent permitted by law, both Parties shall defend, indemnify and hold harmless one another and its officers, employees, or agents from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Party or its officers, employees, or agents may incur as a result of any claim, demand, suit, or cause of action or proceeding of any kind or nature arising out of, relating to, or resulting from the negligent performance of this Agreement by South Fulton or Peachtree Corners, its employees, officers and agents. Each Party shall promptly notify the other Party of each claim, cooperate with the other Party in the defense and resolution of each claim and not settle or otherwise dispose of the claim without the other Party's participation.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

8.1 The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and agreement of the parties regarding the subject matter of this Agreement. This Agreement supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon South Fulton or Peachtree Corners. Any modification of this Agreement shall be in writing signed by the parties.

8.2 If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed, and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any party institute suit concerning this Agreement, venue shall be in the Superior Court of Gwinnett, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

8.3 This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors and assigns.

8.4 The indemnification provisions of this Agreement shall survive termination of this Agreement for any claims that may be filed after the termination date of this Agreement provided the claims are based upon action that occurred during the term of this Agreement.

8.5 This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

DRAFT

IN WITNESS WHEREOF, the City of South Fulton, Georgia, and the City of Peachtree Corners Georgia, have executed this Agreement through their duly authorized officers on the day and year first above written.

CITY OF SOUTH FULTON, GEORGIA

William Edwards, Mayor

ATTEST:

Item # Agr2018-027 ____/____/ 2018

Mark Massey
City Clerk
(SEAL)

CITY OF PEACHTREE CORNERS, GEORGIA

Mike Mason, Mayor

ATTEST:

Kym Chereck
City Clerk
(SEAL)



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Chief Financial Officer's Report

DATE OF MEETING: 9/24/2018

DEPARTMENT: Finance

ATTACHMENTS:

Description	Type	Upload Date
Financial Report for 9-24-2018	Cover Memo	9/20/2018

CITY OF SOUTH FULTON
INCOME AND EXPENDITURE FINANCIAL REPORT
AS OF
AUGUST 31, 2018

FRANK MILAZI, TREASURER/CFO
MILLIE SHAH, CONTROLLER



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Monthly Report to Elected Officials

DATE OF MEETING: 9/24/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
City Manager Report - August 2018	Cover Memo	9/20/2018



MONTHLY MANAGEMENT REPORT

TO: Honorable Mayor William “Bill” Edwards and City Council Members
FROM: Odie Donald II, City Manager 
DATE: September 18, 2018
SUBJECT: Monthly City Manager Report to Elected Officials – August 2018

Presented within the framework of the Council’s five strategic goals, this report provides progress updates and efforts for the month of August 2018.

1. Improve Parks and Recreation

August efforts included a combination of recreation programming, facility improvement projects, and planning for the development of a Parks Master Plan.

Highlights/accomplishments include:

Department Highlights/Accomplishments

- **August 1st:** Parks & Recreation staff provided support for the District 3 Hickory Park Back-to-School event, sponsored by Councilwoman Willis where hundreds of bookbags were given away to children in the community.
- **August 16th:** Parks & Recreation staff made a presentation on current and upcoming youth services and programs at Commissioner Arrington’s District Dialogue event.
- **August 25th:** Football Season Kickoff: Welcome All Park and Sandtown Park began the 2018 season with a full slate of games.
- **August Program Registration Numbers:**
 - After School Program – 125
 - Open Gym – 113
 - Open Swim – 103
 - Fitness – 363
 - Seniors/Walking Track – 205
 - Line Dancing – 155

Recreation Programming

- **The following programs are currently open for registration:**
 - After School Program for the 2018-2019 school year at Burdett Park, Cliftondale Park, Sandtown Park, and Welcome All Park.

List of Upcoming Facility Improvement Projects

- Atlanta Hawks Foundation Basketball Court Project at Sandtown Park
- Gymnasium court resurfacing at Welcome All Park, Sandtown Park, and Burdett Park

Master Plan Process

Pursuant to the City Council's resolution for a Parks Master Plan, the department continues to gather additional information and details in anticipation of moving the process forward in FY2019.

2. Improve Public Safety – Code Enforcement, Police and Fire

August efforts to improve public safety within Code Enforcement, Police, and Fire Department. Highlights/accomplishments include:

Code Enforcement and Code Board

Tell Line Calls

- 4,168 (YTD)
- 244 (August 2018)

Violations

- 2,836 (YTD)
- 1,646 Open Cases
- 1,190 Closed Cases

Code Enforcement Board

- 287 Cases (YTD)
- 24 Cases (August 2018)
- Average Cases: maintenance of property (trash, debris, and high weeds), junk vehicles, property maintenance violations

Municipal Court

- 75 cases (YTD)
- 5 cases (August 2018)
- Average Cases: property maintenance, junk cars, and zoning violations

Fire Department

CRR - South Fulton Fire Rescue Monthly Report- August 2018

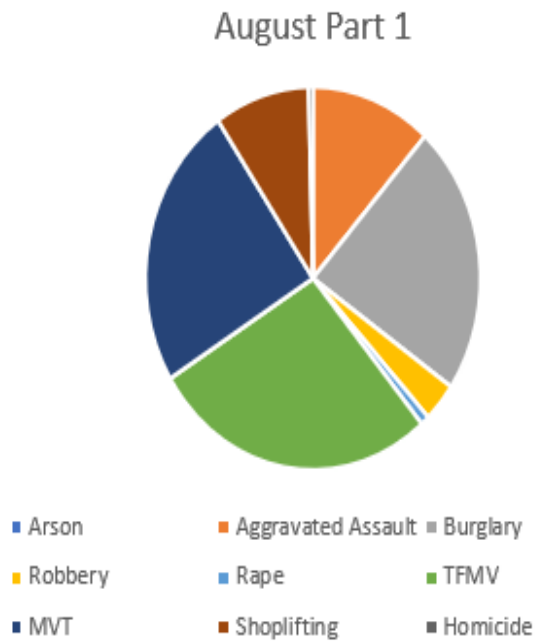
Fire Rescue Activities	Current Month	YTD
COLUMN #1:		
Emergency Call Volume		
Fire	23	191
Overpressure Rupture, Explosion, Overheat	1	9
EMS/Rescue	728	4705
Hazardous Condition	36	216
Service Calls	146	845
Good Intent Calls	243	1097
False Alarms & False Calls	116	590
Severe Weather/Natural Disaster	0	16
Special Incident Types	1	7
Non-Specific	4	44
Total	1,298	7,542
Average Response Time		6:29
COLUMN #2		
Community Risk Reduction (CRR) Activities		
Company Level Inspections	38	473
CRR Final and Existing Business Inspection Requests	8	85
Company Level Inspections - Vacant Buildings	4	82
COLUMN #3		
Fire Safety Education		
Number of Classes	10	529
Number of Students	4,000	7,400
Number of Special Events	5	155
Number of Persons Contacted	3000	4647
Number of Facilities Visited and Educated	15	48
Number of Apparatus Requests	10	56
COLUMN #4		
Homes Visited	5	1160
Smoke Detectors Installed (via fire station requests)	10	110
Smoke Detectors Given to the Public (via Fire Stations)	0	28
COLUMN #5		
Fee Schedule Collection		
Fire Safety Inspections	\$ 2,850.00	\$ 4,125.00
Personal Care Homes/ Day Care Inspections	\$ 600.00	\$ 2,500.00
Fire Alarm Reviews	\$ 132.50	\$ 1,071.00
Fire Sprinkler Review	\$ 36.75	\$ 3,309.10
Blasting Permits	\$ -	\$ 2,175.00
Open Records Request	\$ -	\$ 15.00
Special Events	\$ -	\$ -
Combustible Permits	\$ -	\$ -
Fireworks Permits	\$ -	\$ 500.00
Business Inspections	\$ -	\$ -
Burn Permits	\$ -	\$ 1,500.00
Tent Permit	\$ -	\$ -
Fire Extinguisher Training	\$ -	\$ -
2018 Year-To Date Total		\$ 15,195.10
Payments Received in 2018 for 2017 Services	\$75.00	\$7,425.00
Fee Schedule Collection Total for 2018		\$ 22,620.10

Department Updates

- Fire Department is currently working with the Deputy Police Chief and Risk Manager to develop a City of South Fulton Emergency Preparedness Plan.
- Fire Department is working on coordinating the installation of 250 smoke detectors in private residences by early 2019.
- Currently working with the City of College Park and City of Fairburn on Automatic Aid Agreements.
- Fire Department provided support to Fulton Industrial Boulevard and the City of South Fulton on Tuesday, August 7, 2018 for National Night Out.

Police Department

Offense	August 2018
Arson	0
Aggravated Assault	38
Burglary	55
Robbery	8
Rape	2
Theft from Motor Vehicle	66
Motor Vehicle Theft	59
Shoplifting	23
Homicide	1



Offense	August 2018
Stolen Vehicle Recovered	8
Suspicious Activity	19
Wanted Person Located	19
Discharge of Firearm	51
Accident Reports	353
Traffic Citations	316
Other Incidents	580
Other Larceny	158
Arrest	145

August Additional Incidents



Department Updates

- South Fulton Police Department hosted National Night Out on Tuesday, August 7, 2018 where public safety personnel engaged with the community, local businesses, and law enforcement partners. The theme of National Night out was crime prevention and building a safer community.
- South Fulton Police Department held a swearing-in ceremony on August 20th for nine (9) new officers.

3. Economic Development

August efforts to improve Economic Development. Highlights/accomplishments include:

Business License

- **Processed Applications**
 - 394 (January 2018 – August 2018)
- **Renewed Applications**
 - 1,548 (January 2018 – August 2018)
- **Total COSF Businesses**
 - 1,650 (January 2018 – August 2018)

Permits and Buildings

- **2018 Issued Building Permits** (January 2018 – August 2018)
 - 1,452 Permits
 - 781 Residential
 - 31 Commercial/Industrial
 - 640 Misc.*
- **August 2018 Issued Building Permits**
 - 109 Permits
 - 36 Residential
 - 6 Commercial/Industrial
 - 67 Misc.*

*Misc. permits would include, but are not limited to, fence, pool, plumbing, trade, and electrical.

- **Land Disturbance Permits** (January 2018 – August 2018)
 - 16 permits

Geographic Information System

	Maps	Addressing	Demographics	Data Analysis	Deed/Plat Research	Total Requests
2017 TOTAL	19	18	5	22	12	76
2018 YTD	112	56	14	96	71	349

Department Updates

- ESRI Enterprise Rollout Update – Agreement has been signed and submitted. Installation is ongoing. Training is scheduled for Monday, September 10, 2018.
- The COSF has formed a partnership with Atlanta-Fulton County Emergency Management Agency (AFCEMA) to manage emergency incidents with existing WebEOC software application. GIS will be key in helping to administer the City of South Fulton module of the system. GIS is currently working with the Risk Manager and IT Director on this project.
- Major Map Projects
 - Comprehensive Plan Maps – Pending
 - Staff is approximately 80% complete with the additional maps.
 - Steep Slopes and the Wastewater System maps are remaining. These maps are contingent on receipt of water and slopes data.
 - Future Land Use Maps (by district) – Complete
 - Code Enforcement Problem Areas – Updating
 - FIB Annexation, 60% Method – Pending
 - Power Utilities/ROW – Pending
 - City Facilities Map – Pending
 - Cell Towers – Pending
 - Fire Station (individual maps) – Pending

- Buffington Road/Sidewalk Project – Pending
- National Flood Insurance Program – Pending
- The City of South Fulton has requested GIS water data from the City of Atlanta and Fulton County.

4. Planning – Review and Update Comprehensive and Land Use Plan

August efforts to review and update the City’s Comprehensive and Land Use Plan.
Highlights/accomplishments include:

Planning and Comprehensive Plan

- The Planning Staff has presented the following calendar to Council to receive their desired Comprehensive Plan edits and updates:
 - June 5th Council received Comprehensive Plan file
 - June 5th – 15th Council Reviewed File and Noted Questions
 - June 18th – 29th Individual Meetings with Council Members with continued review of file
 - July 2nd – 20th Public Involvement Process (Initiated by Council per District with Staff’s attendance) with further review of file
 - August 3rd Deadline for Council to send all edits back to Staff
 - August 6th – 17th Staff’s review of Council’s comments
 - August 28th Work Session to discuss Staff’s review of comments (Suggested language and edits will be presented here. This could mean that we must come back later to present additional findings)

Moratorium

A total of 29 requests have been affected by the 90-day zoning moratorium implemented on June 12, 2018. Of these 29 requests:

- 13 projects are located within Council District 4;
- 5 projects are located within Council District 5;
- 5 projects are located within Council District 2; and
- 6 projects are within an unspecified Council district.

5. Create and Implement Branding and Messaging

August efforts to create and implement branding and messaging in support of the City include:

I. Website Launch

Host	Soft Launch Date	Progress
CivicPlus	Friday, August 4th	- Updated profile pages for each department - Working on 311 and OpenGov integration in conjunction with other City Departments

II. “The South Fulton Monthly” E-Newsletter

Current Number of Subscribers	Frequency	Host	Next Issue
2,355	Monthly	Constant Contact	October 3rd

Link to latest Issue: <https://conta.cc/2Nechl4>

III. COSF Social Media

 <u>Twitter</u> Followers: 511 Tweets: 627 Likes: 126	 <u>Instagram</u> Followers: 600 Posts: 260	 <u>Facebook</u> Followers: 700 Posts: Over 400	 <u>Periscope</u> Followers: 10 Live Broadcasts: 29
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IV. Mayor’s Community Walk

a. Summary:

- Mayor’s Walk (internally referred to as Community Walk Wednesdays) is a monthly activity that is focused on increasing access to City services, improved community relations, and proactively addressing community issues. Each month administrative staff, community stakeholders, and other interested parties will walk key corridors throughout the City to

introduce key staff and available services, receive stakeholder feedback, and address problems in real time. Council Members are encouraged and welcomed to join the walks, especially those taking place in your District.

b. Next Date: October 24, 2018

c. Location: TBD

d. Mayor's Community Walk Monthly Reports:

- June 7th Mayor's Community Walk Initial Report:
<https://www.cityofsouthfultonga.gov/DocumentCenter/View/593/Mayors-Community-Walk-Initial-Report-June-7?bidId=>
- June 7th Mayor's Community Walk 30-Day Report:
<https://www.cityofsouthfultonga.gov/Admin/DocumentCenter/Document/View/619/Mayors-Community-Walk-June-7th-30-Day-Report-Final>
- June 27th Mayor's Community Walk Initial Report:
<https://www.cityofsouthfultonga.gov/Admin/DocumentCenter/Document/View/594/Mayors-Community-Walk-Initial-Report-June-27-Final>
- June 27th Mayor's Community Walk 30-Day Report:
<https://www.cityofsouthfultonga.gov/Admin/DocumentCenter/Document/View/655/Mayors-Community-Walk-June-27th-30-Day-Report-Final>
- July 25th Mayor's Community Walk Initial Report:
<https://www.cityofsouthfultonga.gov/Admin/DocumentCenter/Document/View/656/Hwy-92-Mayors-Community-Walk-Initial-Report-Final>
- August 22nd Mayor's Community Walk Initial Report:
<https://www.cityofsouthfultonga.gov/DocumentCenter/View/751/Butner-Road-Mayors-Community-Walk-Initial-Report-Final>

e. Upcoming Dates:

S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
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27	28	29	30	31		

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23	24	25	26	27	28	29
30	31					



2018 Calendar

May	June
30th: Cascade Corridor	27th: Old National Corridor
Time: 1:00pm-3:00pm	Time: 1:00pm-3:00pm
July	August
25: TBD	22nd: TBD
Time: 1:00pm-3:00pm	Time: 1:00pm-3:00pm
September	October
26th: TBD	24th: TBD
Time: 1:00pm-3:00pm	Time: 1:00pm-3:00pm
November	December
28th: TBD	19th: TBD
Time: 1:00pm-3:00pm	Time: 1:00pm-3:00pm

V. Upcoming City Events

DATE(S)	EVENT NAME	TIME	LOCATION
September 15th - 16th	26th Annual Southwest Community Music Festival	TBD	Cascade Road
September 29th	Yeek Event (District 3)	3:00pm – 8:00pm	Welcome All Park
October 26th	Burdett Park Fall Festival (District 5)	TBD	Burdett Park
October 27th	Welcome All Park Fall Festival (District 3)	TBD	Welcome All Park
December 21st – 22nd	Outlaw Classic (District 3)	TBD	Burdett Park

Should you need further information regarding this correspondence, please contact Odie Donald II at odie.donald@cityofsouthfultonga.gov.