



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 - Tuesday, August 14, 2018, Work Session and Regular Meeting
 - b. Meeting Minutes - Tuesday, August 21, 2018, Special Called Meeting
 - c. Proclamation - Jacob Maxey Appreciation Day, Thursday, August 16, 2018. **(Baker)**
 - d. Proclamation - Women's Equality Day, Sunday, August 26, 2018. **(Edwards)**
 - e. For Spreading Upon the Minutes. Appointment of Mr. Gerald McDowell to the Airport West CID. **(Edwards)**
5. Approval of the Regular Meeting Agenda
6. Proclamations and Recognitions

- a. Proclamation recognizing Touch of Life Chiropractic Appreciation Day. **(Rowell and Gumbs)**
- b. Proclamation recognizing The Old National Day Stop the Violence Community Festival - #CeaseFireSunday, September 2, 2018. **(khalid)**

7. 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.

8. 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 - **M18-003 Applicant. (District 7)**
Modification to replace previously approved 20 single-family and 302 multifamily dwelling units with 216 townhouses, and increase the minimum heated floor area per unit to 1,100 square feet within the Renaissance at South Park residential subdivision. **DEFERRED** at 6/16/18 Council Meeting.
- ii. Request for modification - **M18-004 Applicant. (District 4)**
Modification to reduce the site yard setback from 7.5' to 3.5' at 4644 Marching Lane.
- iii. Request for use permit - **U18-001 Applicant. (District 6)**
Use permit for a private school at 6600 Old National Hwy.
- iv. 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.
- v. Request for variance - **V18-005 Applicant. (District 1)**
Concurrent variance request to (I) reduce the minimum parking space requirement and (II) for relief from 34.5.10.D at 3900 Cascade Road.

b. Resolutions

- i. Resolution to amend the City's Holiday Schedule to recognize Election Day as an annual, official City Holiday and for other lawful purposes. **(khalid - Res2018-047)**

- ii. Resolution to encourage compliance with state human trafficking notice requirements, to enhance public safety and for other lawful purposes. **(Willis - Res2018-050)**
- iii. Resolution promoting economic growth and employee morale, establishing an increased minimum wage for City of South Fulton employees and for other lawful purposes. **(Baker and khalid - Res2018-051)**
- iv. Resolution to cause for a voter referendum on the authorization of the sale of alcoholic beverages for on-premises consumption on Sundays from 11:00 A.M. until 12:30 P.M. at certain licensed establishments; to regulate and provide for the calling of a special election and to call a special election thereon; and for other purposes. **(Rowell and Gumbs - Res2018-052)**

c. Ordinances

- i. **[SECOND READING]** Ordinance amending Title 1, Administration with respect to the employment of city department heads and directors and for other lawful purposes. **(Ord2018-031)**
- ii. **[SECOND READING]** Ordinance to regulate the use of City of South Fulton purchasing and credit cards, enhance operational efficiency and for other lawful purposes. **(Rowell, Willis & Jackson - Ord2018-032)**
- iii. **[SECOND READING]** Ordinance establishing the City of South Fulton Public Arts Commission and for other lawful purposes, as amended. **(Edwards, Rowell & Baker - Ord2018-033)**
- iv. **[FIRST 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)**

d. Action Items

- i. Request approval of Georgia Department of Transportation (GDOT) Local Maintenance & Improvement Grant (LMIG) presented by Fulton County Department of Public Works.

9. City Manager's Report

- a. Monthly City Manager Report to Elected Officials - July 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 - Tuesday, August 14, 2018

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Meeting Minutes - Tuesday, August 14, 2018	Cover Memo	8/20/2018



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 via
skype)**
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 3:05pm. Following the roll call by the City Clerk, a quorum was present. The City Clerk announced that Councilmember Gumbs would be attending the meeting via skype.

Mayor Edwards indicated there was an aggressive agenda and asked everyone to hold their questions until after each presentation.

2. Department Budget Presentations

a. Municipal Court

Minutes:

The City Clerk announced the Municipal Court presentation is moved to the end of the agenda. No report given at this time.

b. Communications & External Affairs

Minutes:

Communications & External Affairs - Jolene Butts Freeman presented the budget for the department.

Councilmember Gilyard inquired as to the professional services item and what it entailed. Ms. Butts indicated the services included but were not limited to graphic design, video production for events, electronic and printed mailers and other marketing tools.

Councilmember Willis proposed an individual on staff in communications dedicated to cover Council events. Ms. Butts indicated the coverage of Council events will be a coordinated effort with a liaison person working with Councilmembers and the Communications Department.

Councilmember Willis would like a person specifically dedicated to Council. Councilmember Gumbs also would like a dedicated person for Council. She also would like to see monies for live streaming. Ms. Butts will investigate and see if we currently have the ability to live stream.

c. Information Technology

Minutes:

Information Technology - Namarr Strickland gave a presentation outlining the budget for the IT Department.

Councilmember Rowell inquired concerning a master phone contract, cyber insurance and a telecommunications line. Mr. Strickland indicated that we do have a master phone contract and he just started investigating cyber insurance. He currently is working to finalize a telecommunications line (networking activity line) with all departments.

Councilmember Gilyard requested additional information for the increase in the software license fees. She wondered if it was because it's City-wide in FY2019 and was not in FY2018. Mr. Strickland answered affirmatively. She further realized, mobile phones were decreased but inquired as to the expense of computers & hardware being purchased. Mr. Strickland indicated, there are no purchases but only replacements, repairs and hardware. As it relates to Councilmembers computers, they already have the computers but are working through the funding.

Mayor Edwards inquired as to what if a department needs more than budgeted. Mr. Strickland stated each situation will be looked at and prioritized and adjustments will be made.

Councilmember Rowell spoke to the hardware expense and if that was part of the master service agreement and if that expense was spread across the budget to leverage the agreement to get a volume discount. Mr. Strickland replied that was the case and she inquired as it relates to moving to being a smart city, does the infrastructure we're putting in place position us for the future. Yes. Councilmember Willis questioned if one additional staff person will be enough? The answer was yes since we have cloud services.

Councilmember khalid inquired as to when the Council, Mayor and City Clerk budgets will be presented. The City Manager responded, today was strictly for the departments and those additional budgets will be presented at a later time per Council.

Councilmember Gumbs inquired as to the amount for the 311 system. Mr. Strickland indicated that the expenses for the 311 system is included in the FY2018 budget and is paid through FY2019.

d. Human Resources

Minutes:

Human Resources - Anquilla Henderson presented the budget for the Human Resources Department.

Councilmember Willis inquired about the number of employees for the human resources department. Ms. Henderson indicated there is only one vacant position in the department.

Councilmember Rowell inquired as to training and professional development; law enforcement living in our city receiving down payment assistance; and, identifying a benefit broker. Ms. Henderson indicated all programs will be explored and considerations made according to budget expenditures.

Councilmember Gilyard inquired concerning the timekeeping system used. We are currently using paychex flex. She also asked about professional services fee. Ms. Henderson stated the fee would be used for the study and compliance with policies and procedures and setting aside money to pay for merit system employees who will need representation of a hearing officer.

Mayor Pro Tem Baker questioned the prior position of Deputy HR Director reclassification. The CFO has sent a request to make Ms. Henderson the Human Resources Director. Once that is finalized, staff feels a Deputy HR Director will not be needed.

Councilmember Willis would like to see residents who live in South Fulton hired as employees and also offer some type of program for police officers who live within the City. Ms. Henderson stated there might be geographic discrimination and she deferred to the City Attorney.

Mayor Edwards indicated there is always an issue with employees working out of class. Employees can talk to their department heads or file a grievance.

e. Finance

Minutes:

Finance - CFO Frank Milazi presented the Finance Department's budget.

Councilmember Willis requested a dedicated person for audit and solid waste; an

additional person dedicated to internal departmental audits; and questioned if the City was in compliance with the use of hotel/motel tax. The CFO responded the audit/solid waste position will be funded through the enterprise fund. There will not be an additional person for internal departmental audits, service will be contracted out to an external auditing firm and that service fee is included in the FY2019 budget. The City is receiving hotel/motel tax but it has not been allocated for use thus far but the CFO and the Community Development Director will be meeting on August 28th to discuss allocation of the tax monies collected. The CFO also assured Councilmember Willis that a person responsible for compliance issues will be considered before the adoption of the FY2019 budget.

Councilmember Jackson inquired as to the omission of the CFO/Treasurer position not on the City Manager line of the organizational chart in the agenda packet. The City Manager indicated that in the 'Add-On Packet' that is listed as one of the items that will be adjusted before the final budget is presented to the Council on September 11th.

Councilmember khalid questioned the role of CFO vs Treasurer as it relates to the organizational chart. After discussions, the CFO advised Council that the role of the Treasurer should be separate from the CFO according to the separation of duties. Councilmember khalid reiterated the outsourcing of the solid waste liaison person or firm. The CFO indicated that those sanitation positions would be paid through the solid waste enterprise fund. After questioning, the CFO informed Councilmember khalid that the budget contingency is currently less than \$2 million.

Councilmember Gilyard expressed a desire to see more positions of number crunchers as the City grows. She would also like to see the grants administration more centralized and it is unusual to have a grant writer who also does compliance. Councilmember Gilyard inquired as to the fees for the professional auditors. The CFO indicated the Council will have an opportunity to look at the positions for the grant writer and compliance officer prior to the adoption of the FY2019 budget and will have a chance to review the audit contract prior to the City's commitment.

Councilmember Willis indicated that compliance is very important as we transition departments over from the County. She requested the City Attorney to defer to the Charter and opine upon how we need to structure as to the CFO and the Treasurer.

The City Attorney indicated, the way you structure is to your discretion. You have four positions that are appointed by the Council and those positions answer to the Council directly; City Treasurer, the Judge, City Attorney, and City Manager. And what was communicated by Mr. Milazi is, he wanted the amendment to include his name within that appointed line in the organizational chart. So whether or not you put his name on that appointed line is at your discretion, but it makes sense to put it there since he is one of those four appointed positions. As to whether you will have a separate CFO and Treasurer, that will be at your discretion too. The Charter does not say that the CFO has to be separate from the Treasurer and it doesn't say they have to be consolidated. You do have the ability under your Charter to merge those positions, so if you don't want two independent positions, my recommendation would be to merge those.

Councilmember Rowell agreed that an independent person to deal with grant

compliance is needed.

Mayor Edwards questioned the tax digest and if the City needed a TRO this year. The CFO indicated all cities within Fulton County can bill at the 2018 tax digest rate without the 15% reduction as previously forecast. So there is no anticipation of a TRO. The Mayor questioned Mr. Milazi's feelings about his dual position. The CFO stated; the Mayor might say go this direction and the City Manager might say go in a different direction. It is different when you have direction and not being independent. The Mayor questioned his dual responsibilities, and the need to go back and look at the initial appointment.

Councilmember Gumbs questioned why the issue of the dual roles of Mr. Milazi is now an issue. The City Manager explained the issue was brought forward by Councilmember Jackson and Mr. Milazi concerning the CFO/Treasurer not on the organizational chart line with other appointed staff and the role of the CFO vs the Treasurer.

f. Police

Minutes:

Police Department - Keith Meadows, Police Chief gave an overview of the budget for the police department.

Councilmember Gilyard expressed concern of the 9% cut. The Police Chief indicated some positions were freed up and created the reduction.

Mayor Pro Tem Baker questioned the Chief on grants for uniforms. Mr. Meadows has received opportunities from numerous areas and is currently implementing those resources. The Chief assured Mayor Pro Tem Baker that the bullet-proof vests have a 5-year life cycle and they will apply for additions in the next fiscal year cycle.

Councilmember khalid requested to be put on the list for retired canines. He asked the Chief if he thought the organizational chart along with the budget met with his expectation and if he thought the starting salary for the officers were in line with other jurisdictions. The Chief indicated he had discussions with the City Manager and feels positive about moving forward. He likes the idea of having volunteer police chaplains. Councilmember khalid suggested each department having their own grant writer.

Councilmember Rowell suggested cross work with public works as it relates to technology (cameras, drones, etc.).

Councilmember Willis suggested using security surveillance cameras and someone to monitor those cameras. Chief Meadows indicated there is a lot of ground work and expense associated with this project and it might take time to put this plan into place.

g. Community & Regulatory Affairs

Minutes:

Community & Regulatory Affairs - Ms. Shayla Reed, Interim Director of the department gave an overview of the department's budget.

Councilmember khalid requested information on a timeline for reviewing purchases. Ms. Reed indicated she is currently working with Finance to complete the process within the next few weeks. Councilmember khalid suggested purchasing Chevy instead of Ford vehicles. He stressed the importance of code enforcement complaints being viewed in entirety for non duplication. The City Manager indicated the 311 program will include the platform for non duplication on code enforcement complaints.

Councilmember Willis suggested a consultant that could go out and speak to the community on all issues within every district thereby avoiding unanswered questions by their constituents during community meetings. She would like to see some type of repository for vacant land and every new development within the City.

Councilmember Gilyard inquired as to Abbott as contractor and if they will be in FY2019 budget year. Ms. Reed indicated they have placed money in the budget for those services. She questioned the \$550,000 that will be moved to Destination South Fulton budget and the remaining \$75,000 that would remain for contractual services. Ms. Reed agreed. Councilmember Gilyard indicated she needed to get use to the name change of Community & Regulatory Affairs.

Councilmember Gumbs questioned the position of Interim Director. The City Manager indicated the Director spot will remain the same but the secondary spot is reduced to a Manager position that will focus on business retention, attraction and contracts.

Councilmember Rowell inquired as to the city permitting and does the department handle all permits regardless of the district. Ms. Reed indicated her department only handles land permits and business permits are handled by another department. Councilmember Rowell would like to see a more streamline and efficient process for permitting and inquired as to the status of the City getting their CDBG. The City Manager indicated they have reached out to DCA and had conversations and have secured a former colleague committed to the process and we should see some activity around the same time as we finalize the FY2019 budget. She suggested looking at the department title, 'Community & Regulatory Affairs' and thought adding Development behind Community would make it less confusing. Mr. Donald stressed the importance of leaving the word regulatory as it lets the community know there are regulatory rules that must be followed.

h. Destination South Fulton

Minutes:

Destination South Fulton - Christopher Pike, EDFP gave an overview of the budget for the department and the joint interaction with the Community & Regulatory Affairs department.

Councilmember khalid suggested a downtown development authority, as this

would be another way to generate revenue . He requested an up-date on the request for demographic information from Georgia Power. Mr. Pike indicated there is a back lag on getting up-dated information from when the City was created, but once the funded strategic economic development plan is created we should have more current information. This should take six to nine months.

Councilmember Jackson inquired about the small incubator. Mr. Pike indicated until the budget is approved, the small incubator project will not be developed.

Councilmember Willis inquired if the strategic plan included a redevelopment plan. Mr. Pike indicated the plan will ask for those parts of the city that need redevelopment and revitalization.

i. Fire & Rescue

Minutes:

No report given at this time.

j. Parks & Recreation

Minutes:

No report given at this time.

k. Public Works

Minutes:

No report given at this time.

3. Executive Session (if necessary)

Motion (Other): Councilmember khalid

Second: Councilmember Willis

[Motion Passed]

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

Nay: 1 Gilyard

Abstain: 0

Not Voting: 0

Minutes:

a. A motion was made to reconvene the Municipal Court, Fire & Rescue, Parks & Recreation, and Public Works FY2019 budget presentations adding City Council, City Clerk and City Manager FY2019 budget presentations at 3:00pm on Tuesday, August 28, 2018. The motion passed 6-1-0.

Motion (Recess): Councilmember Willis

Second: Councilmember Gilyard

[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 recess for a closed executive session for personnel, real estate and litigation. The motion passed unanimously.

The closed executive session began at 6:07pm and ended at 7:06pm.

4. Adjournment

Motion (Adjourn): Councilmember Willis

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/close executive session. The motion passed unanimously.

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

Hearing no further business, the work session was adjourned at 7:06pm

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 via Skype)
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 7:07pm. Following the roll call by the City Clerk, a quorum was present.

Mayor Edwards then recognized State Representative William Boddie for being present at the meeting.

2. Invocation

Minutes:

The invocation was rendered by Pastor Alonzo Terry of the Solid Rock Pentecostal Church.

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

- a. Meeting Minutes - July 24, 2018, Work Session and Regular Meeting
- b. Meeting Minutes - Tuesday, July 31, 2018, Special Called Meeting (Budget Hearing)
- c. Meeting Minutes - Tuesday, August 7, 2018, 10:00am. **(Special Called Meeting - Budget Public Hearing)**
- d. Meeting Minutes - Tuesday, August 7, 2018, 11:00am. **(Special Called Meeting)**
- e. Meeting Minutes - Tuesday, August 7, 2018, 6:00pm. **(Special Called Meeting & Budget Public Hearing)**
- f. Proclamation - Rev. Dr. Michael Baldwin Appreciation Day, July 22, 2018. **(Jackson)**
- g. Proclamation - Bobbi Kristina Serenity House Day, July 26, 2018. **(Edwards)**
- h. Proclamation - Senator Leroy R. Johnson Day, July 28, 2018. **(Edwards)**
- i. Proclamation - Mary Parker Foundatin Appreciation Day, August 4, 2018. **(Rowell)**
- j. Proclamation - Pratt-Cabbagestalk Family Reunion Day, August 4, 2018. **(Edwards)**
- k. Proclamation - Halen Toney Appreciation Day, August 5, 2018. **(Rowell)**
- l. Proclamation - New Life Presbyterian Day, August 12, 2018. **(Edwards)**
- m. Request approval of an Agreement between the City of South Fulton Fire Rescue and Union City Fire to provide automatic aid during fire emergencies. **(Agr2018-023 - Automatic Aid w/Union City Fire)**
- n. Request approval of an Employment Agreement with Mr. Keith Meadows. **(Agr2018-024 - Chief of Police Contract)**

- o. Request approval of an Agreement for geographical information system software used for mapping services (e.g. building management, citizen engagement). **(Agr2018-025 - Enterprise License Agreement)**

Motion (Approve): Councilmember Jackson

Second: Councilmember Willis

[Motion Passed]

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

Nay: 1 Gilyard

Abstain: 0

Not Voting: 0

Minutes:

Motion a.

A motion was made to accept/approve the consent agenda as presented. The motion passed, 6-1-0.

Motion (Amend): Councilmember Gilyard

Second: Councilmember Jackson

[Motion Failed]

Yea: 2 Gilyard, Jackson

Nay: 5 Baker, Gumbs, khalid , Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

Motion b.

A motion was made to amend the consent agenda and remove letters m. (Union City Fire agreement) and n. (Police Chief employment agreement), to be heard during the regular meeting agenda for separate consideration. The motion failed, 2-5-0.

Motion (Previous Question): Councilmember Willis

Second: Councilmember Rowell

[Motion Passed]

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

Nay: 1 Gilyard

Abstain: 0

Not Voting: 0

Minutes:

Motion c.

A motion was made to move the previous question (end debate) and consider motion a. for a vote. The motion passed, 6-1-0.

5. Approval of the Regular Meeting Agenda

Motion (Approve as Amended): 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:

Motion a.

A motion was made to approve the regular meeting agenda, with an amendment to hear the solid waste and recycling services agenda item (move-up) following the public comment section of the agenda. The motion passed unanimously.

Motion (Hold): Councilmember Rowell
Second: Mayor Pro Tem Baker
[Motion Tabled]

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

Minutes:

Motion b.

A motion was made to table the Proclamation recognizing Touch of Life Chiro Appreciation Day (Rowell and Gumbs). The motion passed unanimously.

6. Proclamations and Recognitions

- a. Proclamation recognizing Executive Assistant District Attorney Clinton Rucker Appreciation Day. **(Edwards)**

Minutes:

PRESENTED.

- b. Proclamation recognizing Touch of Life Chiro Appreciation Day. **(Rowell and Gumbs)**

Minutes:

TABLED.

- c. Proclamation recognizing Dr. John Sidney Battle III Appreciation Day. **(Willis)**

Minutes:

- d. Proclamation recognizing Mrs. Regina Belle Battle Appreciation Day. **(Willis)**

Minutes:

PRESENTED.

7. Public Comment

Minutes:

The following speakers offered public comment:

- **Barbara McKee (District 6) - thank you for the support of the Bobbi Kristina Serenity House.**
- **Mr. Eddie Green (District 3) - supports Advanced Disposal.**
- **Mr. Eric Stargell - supports Advanced Disposal.**
- **Mr. Allan Dumas (District 1) - supports Advanced Disposal.**
- **Mr. Alphonso Clark (District 3) - supports Advanced Disposal.**
- **Rev. Warnell Williams (District 7) - supports amnesty day twice a year, representing seniors in Pointer Ridge subdivision.**
- **Mr. Charles Mitchell (District 4) - public works transition completion is the most critical thing before us, and he would like to hear an update. We should rethink shifting the permitting process to a commercial area. This is an administrative regulatory function. It should not be promotional in nature. Lastly he suggested to consider multiple sanitary vendors to resolve a lot of the issues.**
- **Mr. Calvin Simmons (Welcome All area) - supports Advanced Disposal.**
- **Mr. Douglas Brown (District 3) - opposes Advanced Disposal, and he urges the City Council to vote no.**
- **Mr. Jay Hannen - supports Waste Industries.**
- **Dr. John O. Herring (District 3) - opposes Advanced Disposal.**
- **Ms. Kathy Teasley (District 3) - opposes trash delivery being mandatory and liens being placed on your house. She urges everybody to work on a different solution.**
- **Mr. Terrill Harris (District 3) - supports Advanced Disposal.**
- **Ms. Damita Chatman (District 2) - with respect to trash she opposes Advanced Disposal, their pricing and equipment. She does not support Fulton County being apart of the selection process. She supports Waste Industries.**
- **Ms. Lavon Morris-Grant (District 3) - supports Waste Industries. She stated that the smell with Advanced Disposal is too bad.**
- **Mr. Richard Muller (District 4) - supports Waste Industries.**
- **Mr. Darnell Milton (off Camp Creek) - general manager for Advanced Disposal.**
- **Mr. Steve Edwards - governmental affairs manager for Advanced Disposal.**
- **Mr. Walt Ritter - district manager for Advanced Disposal.**
- **Mr. Ralph Carreker (District 3) - has problems with communication on matters. He supports Waste Industries.**
- **Ms. D. Franklin (District 4) - has issues with the transfer station which causes the home values to go down. She supports Waste Industries.**

8. Presentations

a. FY19 Budget Presentation

Minutes:

The City Manager made his budget presentation via PowerPoint, highlighting the following areas, and officially transmitting the Budget to the Mayor and City Council:

- **Budget Transmittal**
 - **Safer Stronger South Fulton**
 - **Destination South Fulton**
 - **High Performing Government**
 - **Transition of Services**
 - **Transparency**
 - **Transparency in Budgeting**
-

b. Public hearing on the proposed FY2019 Budget.

Minutes:

The following speakers offered comment during the budget public hearing:

- **Ms. Damita Chapman (District 2) - concerned with the high cost of administration and asked that you take it easy this first year. If there is any money left, give it to public works and not administrative. Think of the residents when you're doing the budget. Do the right thing. Thanked the Council for hiring the Police Chief, Mr. Meadows and thanked the Mayor, the City Manager and the Council for doing an outstanding job.**
- **Ms. Blanche Smith (District 1) - she is proud to be a citizen of South Fulton and is glad that Councilmembers communicate and keep in contact with the community. She suggested having crisis intervention training (CIT - mental illness) for the police officers. This would help save many lives. If there is any way to have more than one person trained, that would be great. She has concerns with right-of-way along the highway where grass and branches need attention. On Fairburn Road along Redwine near Camp Creek Marketplace down to Camp Creek, there are hedges/bushes too high and too close to the street. Hopefully you can work with the County to eliminate this problem.**
- **Ms. Victoria Rogers (District 5) and HOA President of Waverly Park - thank you for putting public safety at the top of your list and for the police, we look forward to more officers (good ones). Excited about the consideration of a business incubator. She hope all the items listed will not make it so expensive that she will not be able to live in South Fulton. She is married to a police chaplain and recommends the City consider having one too.**
- **Mr. Michael Venable (District 6) - the City needs to look at establishing a fund balance. This will make the City look good. This should be taught to our children. It will also help to avoid problems in the future.**

9. Business

a. Ordinances

- i. **[SECOND READING]** Ordinance amending Title 6, Health and Sanitation, of the City Code of Ordinances to address nuisance properties, protect neighboring property values and encourage economic development and for other lawful purposes. **(Ord2018-028 - Rowell, Jackson and Willis)**

Motion (Adopt): Councilmember Rowell

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 adopt/approve Ord2018-028 (nuisance properties) and Ord2018-029 (property rehabilitation), as presented. The motion passed unanimously.

Councilmember khalid would like for the City to adequately fund public works department to demolish houses that need to be demolished.

Councilmember Willis indicated that does not get addressed in these Ordinances. But an anti-bligh ordinance currently being drafted may allow the City to assess additional taxes for blighted properties and set aside monies to cut grass, board-up a property or demolish a property.

- ii. **[SECOND READING]** Ordinance to amend Title 2, Taxation, of the City Code, to create a Community Redevelopment Tax Incentive Program, to encourage property rehabilitation and for other lawful purposes. **(Ord2018-029 - Rowell and Willis)**

Minutes:

APPROVED, see motion above under Ord2018-028.

- iii. **[FIRST READING]** Ordinance amending Title 1, Administration with respect to the employment of city department heads and directors and for other lawful purposes. **(Ord2018-031)**

Minutes:

First Reading - no comment.

-
- iv. **[FIRST READING]** Ordinance to regulate the use of City of South Fulton purchasing and credit cards, enhance operational efficiency and for other lawful purposes. **(Ord2018-032 - Rowell, Gumbs, Willis, Gilyard & Jackson)**

Minutes:

First Reading.

- v. **[FIRST READING]** Ordinance establishing the City of South Fulton Public Arts Commission and for other lawful purposes. **(Ord2018-033 - Edwards and Rowell)**

Minutes:

First Reading.

Councilmember Rowell indicated that this Ordinance establishes a public arts commission to invest in public art and allocate 3% of hotel/motel tax for that purpose.

10. Action Items

- i. Request approval of staff recommendation regarding Solid Waste Collection and Recycling Services.

Motion (Postpone): 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. A motion was made per the advice of the City Attorney as follows:

- to postpone a vote and recommendation, and allow Advanced Disposal and Waste Industries, the vendors reasonably susceptible of being selected, to file, revise and discuss their proposals with the Council at a Special Meeting on August 21, 2018, 10:00am here (5600 Stonewall Tell Road). The motion passed unanimously.**
-

Motion (Amend): Councilmember khalid

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 1 Willis

Abstain: 0
Not Voting: 0

Minutes:

b. A motion was made to amend the main motion to include all three qualified bidders to make presentations, instead of two. The motion passed.

11. Board Appointments

a. Board of Code Enforcement

- Appointment of Mr. Ronald Coleman to replace Ms. Jennifer Thompson. **(Edwards)**

Motion (Approve): 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 approve Mr. Ronald Coleman to replace Ms. Jennifer Thompson for the Board of Code Enforcement, and Ms. Jeannine K. Brown to replace Mr. Robert Dow for the Planning Commission. The motion passed unanimously.

b. Planning Commission

- Appointment of Ms. Jeannine K. Brown to replace Mr. Robert Dow. **(Gumbs)**

Minutes:

APPROVED, see motion above under 11a.

12. City Manager's Report

Minutes:

The City Manager gave an update of the activities of the City moving forward during the past five months, as follows:

- **Qualified Local Government Status**
- **Strategic Plan**
- **Website, phase I**
- **OPENGOV**
- **311, SeeClickFix**
- **Mayors Walk**
- **Key Hires**
- **Progress on the Sanitation RFP**

- Great position to receive LOST
- Received a balanced budget
- Reduced crime
- Expanded police fleet
- Opened mini precinct
- Launched the CoSF green team
- Launched an intern program

Councilmember Willis requested more marketing around the 311 program and requested a breakdown of crime by District. The City Manager requested 30 days or two Council meetings from today to get the information to Council from the new Police Chief and noted that the 311 program is on the radar.

Councilmember Rowell suggested as we transition public works over from Fulton County, there might be an opportunity to look at any monies not spent from the IGA up to the penny, then use that money to buy new equipment.

Councilmember Gilyard questioned the position the City will be in if we have to purchase new equipment for public works. The City Manager has received a preliminary asset list from Fulton County and has directed the CFO and his team to start looking at the cost of current and new equipment.

Councilmember khalid stated that approximately 35,000 households will receive information on the sanitation services selected, and he inquired whether there was an allocation in the budget. He asked if there will be funding for at least one printed newsletter sent to residents in their mailboxes, particularly for seniors. The City Manager indicated that expenses are covered in the communications budget.

13. City Attorney's Report

Minutes:

No report was given.

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

Minutes:

Mayor Pro Tem Baker announced memorial services will be held for Rev. Jacob Maxey on this Thursday, August 16, 2018, Therrell High School at 7:30pm.

15. Executive Session (CLOSED), if necessary

Motion (Recess): Councilmember Gilyard

Second: Councilmember Rowell

[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 a closed executive session regarding personnel and legal. The motion passed unanimously.

The closed executive session began at 9:10pm, and it ended at 9:30pm.

Motion (Move): Councilmember Willis

Second: Councilmember Jackson

[Motion Failed]

Yea: 3 Gumbs, Jackson, Willis

Nay: 4 Baker, Gilyard, khalid , Rowell

Abstain: 0

Not Voting: 0

Minutes:

Motion b.

A motion was made to approve moving forward with the Trucking Ordinance, with the exclusions recommended by Fulton County. The motion failed, 3-4-0.

Councilmember Rowell indicated that she would like to ask the City Attorney to let the County know that we would like to have further conversation with Fulton County, with an understanding that we accept their recommendation regarding Cascade-Palmetto Highway, but we would like further conversations relative to Cascade Road.

16. Adjournment

Motion (Adjourn): Councilmember khalid

Second: Mayor Pro Tem Baker

[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 close/adjourn the executive session. The motion passed unanimously.

Motion (Adjourn): Councilmember khalid

Second: Mayor Pro Tem Baker

[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 adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 9:35pm.

Mark Massey, City Clerk



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Meeting Minutes - Tuesday, August 21, 2018 Special Called Meeting

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Meeting Minutes - Tuesday, August 21, 2018	Cover Memo	8/22/2018



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 10:00am. Following the roll call by the City Clerk, a quorum was present.

Mayor's point of personal privilege: The Mayor expressed his concern about the involvement in procurement. Based on his fourteen years of prior experience as a Commissioner with Fulton County's laws and regulations that were adopted, you can't interview vendors, make a recommendation and then vote on it. He is very uncomfortable with the proceedings and the involvement of the City. We have a City Attorney that opines on certain issues, but that is okay, he doesn't agree for the City to put themselves in a position to be judge and jury. The procurement process is just not handled that way. The costs were sealed, you cannot go back and change the cost.

He started to recuse himself from the meeting today, but that is not what the voters of this City expect him to do. They expect him to speak out and say what is wrong. He is speaking out today. We are policy makers and when we step outside that box, we become something else. Let the system work. He will conduct this meeting, if it is the wishes of this Council, but he does not want to be here today.

Councilmember Willis stated the process should work, but in this instance it did not

work. The Council requested information and that information was not provided.

Mayor Edwards addressed Councilmember Willis and agreed that the Council should receive requested information and if that is not being handled properly, then the City Manager needs to look at revising the process.

2. Executive Session (CLOSED), if necessary

Motion (Recess): Mayor Pro Tem Baker

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

Motion a. A motion was made to recess for a closed executive session regarding personnel and litigation. The motion passed, 6-0-1.

The closed executive session began at 10:08am, and it ended at 11:31am.

Motion (Other): Councilmember Willis

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

The Clerk announced that any consensus reached during the executive session must be voted on in public.

Motion b. A motion was made to close the executive session. The motion passed, 6-0-1.

3. Discussion Items

Motion (Other): Councilmember Jackson

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

The City Manager stated that he has reviewed the process for the sanitation proposals. He has concerns that no one from the City had control of the entire process, from beginning to end. He wants to ensure that citizens get the best service and he wants to address the concerns raised from them and the concerns raised by the City Council. Therefore he recommends the City Council reject all bids and cancel the procurement, and allow staff to look at some different alternatives.

A motion was made to reject all bids and cancel the RFP, as recommended by the City Manager. The motion passed, 6-0-1.

- a. Presentations from the finalists for solid waste and recycling services.

Minutes:

NO PRESENTATIONS WERE MADE.

4. Adjournment

Motion (Adjourn): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

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

The meeting adjourned at 11:36am.

Mark Massey, City Clerk



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Jacob Maxey - Baker

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Council

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - Jacob Maxey	Cover Memo	8/20/2018



City of South Fulton

Whereas, Jacob Cedric Maxey, who was born in Grady Memorial, was a lifelong resident of Fulton County, D.M. Therrell High School graduate, graduate of Mercer University and Atlanta Law School, and he was a loving brother, father, and pillar in our Community;

Whereas, Jacob Maxey, as a specialist in Constitutional Law, and a pre-eminent Servant for our community, he was a Commissioner for the Fulton County Housing Authority for two years, and Fulton County Resident Advisory Board member for 10 years. He also was the owner of 'DIPS', Dialysis Independent Patients, where he hosted educational events and offered financial assistance for disabled dialysis patients, as well as the disabled generally;

Whereas, Mr. Maxey married the breadth of his heart with real world service for the disadvantaged and the disabled, he won the Chuck Brown Award, the American Heart Association Award, and the American Kidney Foundation Award for his magnanimous humanitarian efforts in those respective communities; and,

Whereas, Jacob Maxey, the loving Uncle, Brother, and Father - in his homegoing leaves the mother of his daughter, Ms. Annetta Moten, his beloved nephews Joseph Daniel Brownlee, Jaden Ischem Maxey, Brinton Owens, his brother Jonathon Maxey Sr, his sister Armlenda Brownlee Maxey. He solidified his legacy in his daughter Jessica Maxey, who is his heart and soul.

Now, therefore be it resolved, That the Mayor and City Council of the City of South Fulton do hereby proclaim Thursday, August 16, 2018, as **"JACOB CEDRIC MAXEY APPRECIATION DAY"** in the City of South Fulton, Georgia.

Mayor Pro Tem - Councilman Mark Baker, District 7

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City of South Fulton | August 28, 2018



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Women's Equality Day - Edwards

DATE OF MEETING: 8/28/2018

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - Women's Equality Day - Edwards	Cover Memo	8/20/2018



City of South Fulton

WHEREAS, the women of the United States have been treated as second-class citizens and have not been entitled the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States;

WHEREAS, the women of the United States have united to assure that these rights and privileges are available to all citizens equally regardless of sex;

WHEREAS, the women of the United States have designated August 26th, the anniversary of the certification of the Nineteenth Amendment, which culminated a 72-year, non-violent campaign to extend the right to vote to women, as symbol of the continued fight for equal rights;

WHEREAS, the observance of Women's Equality Day not only commemorates the passage of the 19th Amendment, but also calls attention to women's continuing efforts toward full equality. As of this date, workplaces, libraries, organizations, and public facilities now participate with Women's Equality Day programs, displays, video showings or other activities; and,

WHEREAS, the women of the United States are to be commended and supported in their organizations and activities;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and Council recognizes the commemoration of that day in 1920, on which the women of America won their right to vote, as an opportunity to continue to work for equal rights for all citizens and do hereby proclaim Sunday, August 26, 2018 as **WOMEN'S EQUALITY DAY** in the City of South Fulton.

Mayor William 'Bill' Edwards



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Airport West CID Appointment - Edwards

**DATE OF
MEETING:** 8/28/2018

DEPARTMENT: Mayor



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Touch of Life Chiro - Rowell & Gumbs

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Council

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - Touch of Life Chiro	Cover Memo	8/20/2018



City of South Fulton

WHEREAS, Touch of Life Family Chiropractic is a family, referral-based chiropractic office located in the Camp Creek Marketplace founded by local residents, Dr. Patrice and Bryson Thompson Sr. At Touch of Life, the major focus is on improving the functioning of the body as opposed to simply treating pains and symptoms;

WHEREAS, Dr. Thompson has focused heavily on building a practice based on community outreach and service. By using state of the art technology to analyze the body, with the operation #healthysouthfulton initiative, she is able to offer a variety of treatment for the entire family from newborns to the elderly. This is achieved through free health screenings at local events and providing health talks to businesses and organizations throughout the South Fulton area;

WHEREAS, the idea for the #HealthySouthFulton Family Fun Day came from Bryson and Dr. Patrice Thompson's commitment to always give back and try to connect the South Fulton community in a positive way. With their Camp Creek anniversary falling around the beginning of the school year, it creates an opportunity to add community partnerships for an event that will strongly benefit the children and families in South Fulton;

WHEREAS, the vision for the Family Fun Day is to have a centralized event in the South Fulton Community where families can meet vital health, wellness, kids' services, and business providers in the South Fulton Community; and,

WHEREAS, in turn, the Family Fun Day will provide an opportunity for local businesses to highlight their services and encourage residents to support the local South Fulton business community. We hope that this event can grow into something the entire City and area can look forward to on a yearly basis.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of South Fulton do hereby proclaim Tuesday, August 28, 2018, as **"Touch of Life Family Chiropractic Day"** in the City of South Fulton, Georgia.

Councilwoman Catherine Rowell

Councilwoman Carmalitha Gumbs



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Old Nat Day - khalid

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Council

ATTACHMENTS:

Description	Type	Upload Date
Proclamation Old Nat Day	Cover Memo	8/23/2018



City of South Fulton

PROCLAMATION “Old Nat” Day

PROCLAMATION OF THE CITY OF SOUTH FULTON RECOGNIZING TORREY TOMLINSON & THE FOURTH ANNUAL OLD NATIONAL DAY

WHEREAS, what started out as a small picnic in the park for a Southside Community has now expanded into a huge day filled with lots of activities for the whole family to enjoy from 2 p.m. to 8 p.m. at 2400 Pleasant Hill Road in South Fulton, Georgia, the Sunday of Labor Day weekend;

WHEREAS, Torrey Tomlinson and Old National Entertainment (O.N.E.) have successfully sponsored this family fun event for three years without any incidents of violence;

WHEREAS, Old National Day will feature concessions, kids’ activities, an adult kickball game between Old National Districts, free health screenings, a car show, live performances from some of Atlanta’s finest entertainers, and much more; and,

WHEREAS, Torrey Tomlinson and Old National Entertainment (O.N.E.) are working with city officials to promote awareness of the new City of South Fulton to populations not normally engaged in the political process, and to bridge the gap between the business community and residents and restore a positive image of Old National and South Fulton.

NOW, THEREFORE, I, Mayor William "Bill" Edwards & the seven members of South Fulton City Council join in celebrating Old National and declare Sunday, September 2, 2018, as “The Old National Day Stop the Violence Community Festival – #CeaseFireSunday.”

Mayor William ‘Bill’ Edwards

Mayor Pro Tem Baker

Councilmember Rowell

Councilmember Gumbs

Councilmember Willis

Councilmember Gilyard

Councilmember Jackson

Councilmember khalid



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: M18-003 Modification within Renaissance at South Park

DATE OF MEETING: 8/28/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Zoning1_M18-003	Cover Memo	8/22/2018

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 August 28, 2018 Council Meeting
DATE: August 15, 2018

Item	Case No.	Request	Staff Recommendation	Planning Commission Recommendation
1	M18-003	Modification to replace previously approved 20 single-family and 302 multifamily dwelling units with 216 townhouses, and increase the minimum heated floor area per unit to 1,100 square feet within the Renaissance at South Park residential subdivision DEFERRED at 6/26/18 Council Meeting	Approval	n/a
2	M18-004	Modification to reduce the site yard setback from 7.5' to 3.5' at 4644 Marching Lane	Approval	n/a
3	U18-001	Use permit for a private school at 6600 Old National Hwy	Approval with condition	Approval with condition
4	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	Approval	n/a
5	V18-005	Concurrent variance request to (I) reduce the minimum parking space requirement and (II) for relief from 34.5.10.D at 3900 Cascade Rd	(I) Approval; (II) Acceptance of applicant's withdrawal request	n/a

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 28, 2018, 7:00 p.m.

1. **M18-003: Public hearing** to consider a **modification** request from zoning *Case No. Z04-149* within the Renaissance at South Park residential subdivision

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: **M18-003 for a Modification of Z02-124 within the Renaissance at South Park subdivision**

DATE: August 28, 2018

Public hearing to consider a modification from zoning *Case No. Z02-124*, to replace previously approved 20 single-family and 302 multifamily dwelling units with 216 townhouses, and increase the minimum heated floor area per unit to 1,100 square feet, within the Renaissance at South Park subdivision by Rocklyn Homes Inc.

STAFF RECOMMENDATION: APPROVAL

6/26/18: MAYOR & COUNCIL DEFERRED REQUEST

7/24/18: MAYOR & COUNCIL DEFERRED REQUEST

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Rocklyn Homes Inc. 6085 Lake Forrest Dr, Suite 200 Atlanta, GA 30328
Status of Applicant:	Developer
City Council District(s):	7
Parcel ID Number:	09F070300260328, 09F070300330170, 09F070300330162, 09F070300330154, 09F070300330147, 09F070300330139, 09F070300330121, 09F070300330113, 09F070300330105, 09F070300330097, 09F070300330089, 09F070300330071, 09F070300330063, 09F070300330055, 09F070300330048, 09F070300330030, 09F070300330022, 09F070300330014, 09F070000261048
Area of Property:	The entire Renaissance at South Park development is approximately 149.17 acres.
Current/Past Use of the Property:	The property affected by the modification request within the Renaissance at South Park development is currently undeveloped and partially cleared.
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 Case No. Z02-124, 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>North</u> : Interstate 85 right-of-way <u>South</u> : A (Medium Density Apartment District) <u>East</u> : City of Fairburn M-2 (Heavy Industrial District) <u>West</u> : City of Fairburn C-2 (General Commercial District)
2035 Future Land Use Designation:	Suburban II Neighborhood

Compatibility with the 2035 Comprehensive Plan:

This designation specifically permits “higher residential densities”. The Comprehensive Plan classifies townhouses as a higher-density residential product, so the proposal will bring the property more into compliance with the Comprehensive Plan.

Overlay District:

None

Public Utilities:

Water and sewer service is provided by the City of Fairburn.

Public Services:

Police and fire services are available by the City of South Fulton.

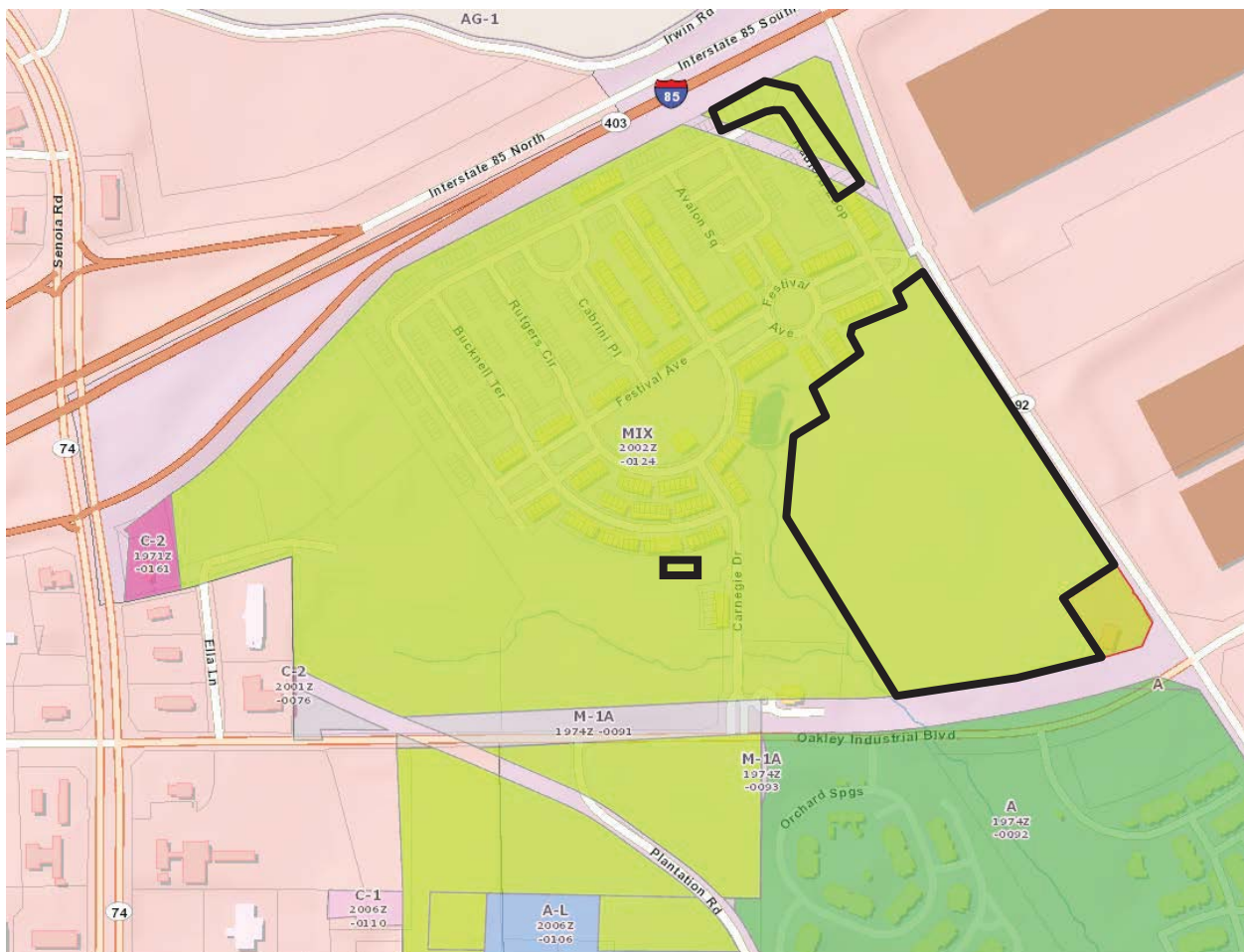
Transportation:

Street: Spence Road

Classification: Minor Arterial Local Road

Public Transit: MARTA is not available to this site

Bike/Pedestrian Access: Sidewalks exist along the property's entire frontage on Spence Rd and partially along Oakley Industrial Blvd. *Condition 6e* requires sidewalks along the entire frontage on both roads. Bike lanes are not present.



CONDITION(S) TO BE MODIFIED:

Z02-124 condition 1b states: No more than 980 townhouses and 20 single-family lots, at a maximum density of 6.65 dwelling units per acre based on the total acreage zoned, whichever is less.

Z02-124 condition 1c states: No more than 302 multifamily dwellings, at a maximum density of 2.01 dwelling units per acre based on the total acreage zoned, whichever is less.

Z02-124 condition 1d states: The minimum heated floor area per dwelling unit shall be as follows: multifamily units shall be a minimum of 600 square feet for 1-bedroom units; 800 square feet for 2-bedroom units; 900 square feet for 3-bedroom units; townhouse units shall be a minimum of 1,100 square feet and single-family lots shall be a minimum of 1,200 square feet.

Z02-124 condition 1e states: To provide a minimum lot size of 3,150 square feet for the single-family lots approved in condition 1b.

Z02-124 condition 2a states: To the revised site plan received by the Department of Environment and Community Development on October 31, 2006, as amended on January 26, 2010 to allow 20 single-family lots instead of townhouses and December 29, 2010 to allow convenience store use of Pod 6 and October 28, 2011 to relocate townhouses and multifamily units, and on October 27, 2015 to allow a hotel. Said site plan is not conceptual; the developer must strictly adhere to the site plan as submitted. Any changes to the site plan must be approved by the Director of Environment and Community Development and must meet or exceed the requirements of the Zoning Resolution and these conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

Z02-124 condition 3a includes minimum lot width and setback regulations for the single-family lots.

PUBLIC PARTICIPATION

The applicant held their own public meeting on May 8, 2018 at 6:00 p.m. at the sales office for the Renaissance at South Park subdivision at 7842 Carnegie Dr, Fairburn, GA 30313. Twenty-two members of public attended and expressed numerous inquiries on which you may find details in the attached report.

Five members of the public attended the Staff-hosted Community Zoning Information Meeting to learn more about the project.

STAFF COMMENTS

Engineering: Reviewed; no comments

Environmental: Based upon the information submitted, Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment as a result of approval of the proposed modification.

Public Works: None provided

Transportation: None provided

MARTA: Reviewed; none provided

Fulton County Schools: See attached Rezoning Impact Statement. “[The Fulton County School District’s] stance is that they will always be able to accommodate any and all students generated by a new development. The report [the] department provides is really for informational purposes and neutral in opinion. And... Georgia law currently does not permit a rezoning proposal from being explicitly denied due to projected impact on student enrollment.”

Fire: None provided

Legal: None provided

PLANNER’S RECOMMENDATION

In 2010, the Fulton County Board of Commissioners approved *Case No. M10-002* to replace select townhouses on the Renaissance at South Park site plan with single-family lots. Similarly, in 2011, the Fulton County Board of Commissioners approved *Case No. M11-004* to replace select townhouses with multifamily dwelling units. The current applicant requests to revert back to the original plan, so that the entire neighborhood is comprised of only townhouses. This proposal streamlines the existing character of the neighborhood. Additionally, the 2035 *Comprehensive Plan* designates the subject property as “Suburban II” which specifically permits “higher residential densities” and “transitional density from the less intense uses near rural areas to the more intensive suburban uses”, a goal with which the townhouse use complies. Based upon the findings and conclusions herein, staff recommends **APPROVAL** of modification request M18-003 to complete the residential subdivision with townhomes only; the following edits reflect this change and eliminate conflicting language. The revised conditions shall read as follows (deletions are ~~struck through~~; new text is **highlighted in blue**):

1b. No more than 980 **1,125** townhouses and 20 single-family lots, at a maximum density of 6.65 dwelling units per acre based on the total acreage zoned, whichever is less.

1c. *No longer applicable; delete.*

1d. The minimum heated floor area per dwelling unit shall be as follows: ~~multifamily units shall be a minimum of 600 square feet for 1-bedroom units; 800 square feet for 2-bedroom units; 900 square feet for 3-bedroom units; townhouse units shall be a minimum of 1,100 square feet and single-family lots shall be a minimum of 1,200 square feet.~~

1e. *No longer applicable; delete.*

2a. To the revised site plan received by the ~~Department of Environment and Community Development~~ **Services Department** dated April 23, 2018 ~~on October 31, 2006, as amended on January 26, 2010 to allow 20 single-family lots instead of townhouses and December 29, 2010 to allow convenience store use of Pod 6 and October 28, 2011 to relocate townhouses and multifamily units, and on October 27, 2015 to allow a hotel.~~ Said site plan is not conceptual; the developer must strictly adhere to the site plan as submitted. Any changes to the site plan must be approved by the Director of ~~Environment and Community Development~~ **Services** and must meet or exceed the requirements of the Zoning Resolution and these conditions. Unless otherwise noted

herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3a. *No longer applicable; delete minimum lot width and setback regulations for single-family lots.*

REVIEWED BY:
Brianna Rindge, AICP

On May 8, 2018, the Applicant held the required Public Participation meeting at its Sales Office located at 7842 Carnegie Drive, Fairburn, Georgia 30313. Pete Hendricks, attorney for the Applicant, and Mike Hart, Architect and Land Planner for the Applicant, were in attendance responding to the issues and concerns that were expressed which were as follows:

1. Concern over the distance between townhome units and being able to see into the unit next door.
Response: The Applicant will be more sensitive to privacy as new townhome units are built.
2. Concern over what the reduction in density means to property values.
Response: Should result in increased property values due to the deletion of the multi-family/condo development phase.
3. Concern over all of the townhome units looking alike.
Response: The Applicant will seek to achieve individual looks for the townhome units.
4. Concern over availability of parking as the number of units increases.
Response: At a bare minimum, the Applicant will meet the requirements of the Development Code for the City of South Fulton and noted that guest parking should be available in the driveways of each townhome unit.
5. Concern over the number of trash dump areas and would like to have more.
Response: Applicant's Architect/Land Planner will convey this concern to the Applicant.
6. Concern over only having one pool, club house and limited number of tennis courts as the number of townhome units increases.
Response: Applicant's Architect/Land Planner will convey this concern to the Applicant.
7. Concern over the amount of security lighting in the streets.
Response: The Applicant's Architect/Land Planner will convey this concern to the Applicant.
8. Concern over the length of the driveways especially as that area is needed for guest parking.
Response: Applicant's Architect/Land Planner said that in certain areas it should be possible to increase the length of the driveways.
9. Concern over the depth of the garage areas to better accommodate SUVs and trucks.
Response: The Applicant's Architect/Land Planner said that in certain of the units it should be possible to increase the depth of the garage area. This will be easier to accomplish with new townhome units.
10. Concern over not having area(s) for swing sets for children.
Response: Applicant's Architect/Land Planner that with the amount of open area in the development that this should be able to achieve.
11. The question was asked that with the approval of this Modification Request would there still be any single family homes?
Response: Applicant's Architect/Land Planner confirmed that with the approval of this Modification Request that there would not be any single family homes built.

12. The question was asked as to what would be the timeline for development in the new areas?
Response: Applicant's Architect/Land Planner confirmed that no timeline has been set.
13. Concern was expressed in the need for increased security in the areas of new construction and clean-up during new construction.
Response: Applicant's Architect/Land Planner will convey these concerns to the Applicant.
14. The question was asked as to what be the look of the units on the southerly side of Oakley Industrial Boulevard?
Response: Applicant's Architect/Land Planner confirmed that it would be similar to the rest of the development.
15. The question was asked if it would be possible to have a traffic light at the main entrance to the development?
Response: Applicant's Architect/Land Planner stated that if the need for a traffic light at the main entrance met warrants that it would be possible to do.
16. Concern over certain of the existing units getting excessively dirty during new construction would it be possible to powerwash them?
Response: Applicant's Architect/Land Planner will convey this concern to the Applicant.
17. Concern was expressed over dumping by outside parties in certain areas of the development and that there had not been any feedback from the Homeowner's Association.
Response: Applicant's Architect/Land Planner will convey this concern to the Applicant.
18. The question was raised as to whether or not it would be possible to include a dog park somewhere in the development?
Response: Applicant's Architect/Land Planner will convey this request to the Applicant.
19. The question was asked as to whether or not it would be possible to widen the widths of the streets in the development and to gate the development.
Response: Applicant's Architect/Land Planner confirmed in the areas of the existing streets that widening would not be possible and that he would convey this request as to widening of new streets and gating to the Applicant.
20. A request was made to have available to new purchasers a copy of the Deed Restrictions for the development as well as a reduced size copy of the plat for the development.
Response: Applicant's Architect/Land Planner will convey this request to the Applicant.

NOTE: Copy of those in attendance is attached.

Renaissance at South Park HOA

P.O. Box 143089
Fayetteville, GA 30214
(770) 692-0152 phone
(770) 692-0156 fax
www.camga.com

August 1, 2018

Greetings,

I have been assisting with the management of Renaissance at South Park at since April 2018 at CAM.

The following items represent my monthly workload for this community:

- Approximately 250 requests from Renaissance at South Park's residents.
- Working with the Advisory Board to help facilitate the requests of the community to the Declarant as well as their requests of me as a manager assistant at CAM.
- Vendor relationships and contracts, meetings, bills, reimbursements and maintenance.

We held the annual meeting for Renaissance at South Park on **May 14, 2018**.

I wrote down each demand from the community and have been consistently working on them since that time.

The major issues from that meeting: Lighting, parking, the reserve study, the pet policy and vendors.

At that meeting, Lee Mason (owner of CAM) said that we would hold a vendor meeting to address vendor issues.

That meeting was held **6/4/18** and I contacted each vendor to make sure they were there to answer community questions. The meeting successfully answered the questions that homeowners had around what they were paying for as a part of the HOA and what they had to take care of on their own. I was also asked at that meeting to create some digital assets for the community so they could self-manage some processes themselves, such as service requests for pest control, reserving the clubhouse, etc. I completed that request within 2 weeks.

On 6/12, I did a walkthrough of the community with EMC about the lighting in one part of the community. We received and will be paying the invoice to upgrade the lights in the community so it's brighter. The advisory board has been in touch with Fairburn Utilities to make sure they upgrade the lighting in other parts of the community.

On 6/15 I Lee and I did a walkthrough with the engineers for the reserve study. The completed reserve study will be sent to us **on 8/1**.

We are presently waiting on the contract for the security vendor that **begins on 9/1**. This is in an effort to address the issue of residents impeding the streets of Renaissance, issues at the trash area, common areas and patrolling to deter the issues we're seeing around trash and parking.

Communication between the Declarant (Rocklyn Homes), the advisory board and community at large is weekly. I gather all of the requests that are to be sent to the Declarant and send it all over in one communique to Rocklyn. I send it on Fridays and generally get a response within 1 or 2 business days the following week.

Quite often the answer is yes to a majority of the requests made of the Declarant.

The advisory board is a body that was created to give the community a voice. It is also an effort on the part of CAM to assist the community members on being a fully functioning Board once the Declarant has completed building in the community and has turned over control to the members.

Prior to the meeting we held on **7/20**, a good majority of the requests made by residents had already been addressed with the advisory board in one way or another throughout the months that I have assisted with the management of the community.

Sincerely,

S. Lynn Sanders

Community Association Management, LLC

Physical Address:

101 Devant Street, Suites 904 & 905

Fayetteville, GA 30214

Mailing Address

P. O. Box 143089

Fayetteville, GA 30214

(770) 692-0152

(770) 692-0156 Fax

lsanders@camga.com

Landscaping

Vendor – Yards-R-Us

1. What standard services are included in the landscaping?
 - a. Cut grass, hedge trimming, lawn edging, weed treatment
2. Do we receive a credit when weather does not permit regular lawn care?
 - a. Yes (although they said they have never not been able to service)
3. Are we being charged by the frequency?
 - a. Yes
4. What is the frequency?
 - a. Bi-Weekly, Year-Round
5. What is the landscaping company prepared to do to address the areas that do not have grass?
 - a. It depends on the cause of the grass not growing each problem area. Each area will be assessed on an individual basis
 - b. Yards R Us Owner agreed to a walkthrough of community to identify the problem areas
6. When back yards are being mowed, please keep mowers from turning around in our driveways (leaving multiple tire tracks in driveways)
 - a. They do try not to turn around in driveways and yards, but he will address it with his crew

Follow-Up/Next Steps:

1. Yards-R-Us will walk the community with Advisory Board members to point out serious concerns
2. Community members expressed their desire to shop for a new provider

Pest Control

Vendor – Northwest Exterminating

1. Where do you exterminate?
 - a. Externally (internally on a case to case basis). External inspections are done annually and treatments are provided based on need
2. Which pests are targeted?
 - a. Ants, roaches, spiders, etc.
3. Is there a limit to how many times an owner/the community can call in a year?
 - a. No, it is an as needed service
4. Can Northwest be scheduled to treat everyone's homes at a certain time yearly?
 - a. They currently try to rotate each set of buildings on a quarterly basis and the quarterly rotations are routine inspections not necessarily treatments

5. Can Northwest service all properties (newer and older) with PestBan (pest portal) connections?
 - a. They are working on installing the portals outside of all units by the end of the year
6. How do you handle pests outside the normal every day pests (i.e. birds, snakes, raccoons, possums, skunks, etc.)? Additional service charge?
 - a. Yes they are an additional service charge. Provided courtesy rat bait traps near trash compactors

Follow-Up/Next Steps:

- 1. Northwest will send a letter to the community explaining services, portal installation plan, completion dates, etc.**

Trash Collection

Vendor – Waste Management

1. Why are we paying so much for trash collection?
 - a. The frequency of collection has increased due to growth of community
 - b. The need to remove bulk items from the compactors
2. How are we being billed?
3. How frequent is trash being collected?
 - a. Trash is being collected twice per week but bulk items are removed from compactors daily
4. Are trash collectors responsible for picking up the trash that accumulates around the grounds of the compactors?
 - a. No, this service is a separate charge

Follow-Up/Next Steps:

- 1. Look at the feasibility of increasing the frequency of service**
- 2. Get a date for the installation of the additional dumpsters**

Pool Management and Monitoring

Vendor – Collins Pool Management

1. How often is the pool cleaned and treated?
 - a. Bi-monthly
2. What is the cost and overall difference between having a monitor vs having a lifeguard?
 - a. Not addressed
3. Are the monitors certified?
 - a. No, the monitors are not certified

4. Will the monitor assist if someone is drowning?
 - a. They can but more based on the Good Samaritan law
5. Pool monitor responsibilities and access to clubhouse.
 - a. The monitors responsibilities are to enforce the rules and regulations that have been set by the community for the pool
6. Do we have a written protocol of what the pool monitors should be doing at the beginning and end of each shift that is specific to our community so that as the pool monitors change or if there is a sub provided on a day they know exactly what their expectations are?
 - a. No

Follow-Up/Next Steps:

- 1. Collins will look into getting their monitors certified**
- 2. The Advisory Board will draft a list of duties and rules for pool monitors to follow/enforce**
- 3. Pool rules and regulations will include a requirement to show ID to enter**
- 4. Access Atlanta will set pool access device to only provide entry during pool hours**

Security

1. What security services are being provided and are being quoted for their services in the community?
 - a. There are currently no security services being provided
 - b. The lowest quote for security included 30 hours, 6 days per week
2. What is the likelihood of getting all our lights functional?
 - a. This isn't related to the security contract. CAMGA is going to have EMC come out to assess lighting needs from community entry to clubhouse
3. Is it possible to replace the (street) light bulbs with "crime fighting bulbs" which illuminate greater areas (used in downtown Atlanta and illuminate very well)?
 - a. Not addressed

Follow-Up/Next Steps:

- 1. The Advisory Board will look at the cost of covering more hours**
- 2. Mr. Mason will look into getting videos downloaded for the Advisory Board to monitor**

Renaissance at South Park HOA

P.O. Box 143089
Fayetteville, GA 30214
(770) 692-0152 phone
(770) 692-0156 fax
www.camga.com

August 06, 2018

At this year's annual meeting, one of the biggest areas of concern was security. To address those concerns, security patrol will begin on 9/1/18. The Security Patrol will be in a clearly marked patrol vehicle from **Around the Clock Security**, and they will provide monitoring for: parking, trash, and general community issues.

Residents must register their vehicles with the HOA.

- Newly purchased vehicles **must be registered within 10 days** after purchase.
- Visitor hang tags do not mean guests or residents are allowed to park on the street (see attached).

Your vehicles must be registered to the community **within the next 30 days from the date of this letter**.

Vehicle registration is online. Use the form shown here: <http://bit.ly/rsphomes> to register your vehicle. **Please provide accurate make, model and complete tag information of your vehicle(s).**

Registration will be an annual requirement for your community.

1 Vehicle	2 Vehicles	3 Vehicles
(1) Community HO Decals (2) Visitor Hang Tags	(2) Community HO Decals (2) Visitor Hang Tags	(3) Community HO Decals (2) Visitor Hang Tags

Additional community decals or visitors' hang tags \$25/tag or decal.

Your decal and visitors passes will be mailed to you.

Sincerely,

COMMUNITY ASSOCIATION MANAGEMENT, LLC
Agent for Renaissance at South Park HOA

Lee Mason

Lee Mason, CMCA®, AMS®, PCAM®



August 1, 2018

Yards R Us
P.O. Box 2835
Stockbridge, GA 30281
yardsrus@bellsouth.net

Re: Termination of Services of Contract with Renaissance at South Park HOA, Inc.

Greetings:

On behalf of Renaissance at South Park HOA, Inc. ("Association"), the Board of Directors for the Association hereby gives notice to Yards R Us of termination of your services effective August 31, 2018. Your last date of service should be August 31, 2018.

We appreciate your service to the Community and will keep you in mind for any of our other Associations that may want to request bids.

Sincerely,

RENAISSANCE AT SOUTH PARK HOMEOWNERS ASSOCIATION, INC.
Community Association Management, LLC

Lee Mason, Agent

Cc: Renaissance at South Park, Inc. Board of Directors

Lynn Sanders

From: Curtis Camp <CCamp@utility.org>
Sent: Monday, July 30, 2018 10:35 AM
To: Lynn Sanders
Cc: Johnny Turner
Subject: Lights

Follow Up Flag: Follow up
Flag Status: Completed

Categories: RSP

Good Morning Lynn,

I spoke with Johnny Turner this morning and he told me, you should be receiving the invoice soon, that he has already taken care of it . Let me know if I can help you further.

Thanks,

Curtis Camp
Supervisor of Staking
Coweta-Fayette EMC
770-252-7241

Lynn Sanders

From: Guy Blanchard <gblanchard@utility.org>
Sent: Wednesday, August 08, 2018 10:23 AM
To: Lynn Sanders
Subject: Renaissance @ South Park Lighting

Categories: RSP

Good Morning,

I just found out these LED light fixtures are on back-order; we should receive them 4 to 6 weeks from now. They were actually ordered a couple of weeks ago with a lead time of 8 weeks.
I will mark my calendar to follow up with our Warehouse on the status in 4 weeks.
He is aware of all 16 lights and said he will call me once he receives them.

Thanks,
Guy Blanchard
Engineering Field Rep.
Coweta Fayette EMC
807 Collinsworth Rd.
Palmetto, GA 30268
770- 252-7486 (Office)
678-633-9031 (Mobile)

Lynn Sanders

From: Eddie Powell <eddie.powell@fairburn.com>
Sent: Thursday, August 09, 2018 12:05 PM
To: Lynn Sanders
Subject: RE: Renaissance | Staking Map

Categories: RSP

Just a little update. 4 lights have been repaired with new underground wire ran to them. 3 globes have been replaced 3 lights just need photo cells there are two lights that have good power going to them waiting on the construction crew to move more forward to the front of the road then we will service them. We have to call in a dig locate to move two poles & run underground service to them. I haven't got the map yet but I will provide you with the map of all locations of the lights that we feed.

From: Lynn Sanders <lsanders@camga.com>
Sent: Tuesday, August 07, 2018 2:30 PM
To: Eddie Powell <eddie.powell@fairburn.com>
Subject: Renaissance | Staking Map

Greetings Eddie,

Thanks for taking my call. Today we discussed the lighting being repaired in places at Renaissance at South Park. Your crew working from the rear of RSP and towards the front where construction is to get the lights rewired, repaired or relocated. Please provide me with a staking map when the work is completed.

Sincerely,

S. Lynn Sanders

Community Association Management, LLC

Physical Address:

101 Devant Street, Suites 904 & 905
Fayetteville, GA 30214

Mailing Address

P. O. Box 143089
Fayetteville, GA 30214
(770) 692-0152
(770) 692-0156 Fax

lsanders@camga.com

Please visit us at www.camga.com

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From: Lynn Sanders
To: [Brianna Rindge](#)
Cc: [Mark Baker](#)
Subject: Renaissance at South Park & Rocklyn Homes
Date: Tuesday, August 14, 2018 4:42:44 PM
Attachments: [RSP - Letter for M18-003.pdf](#)
[Vendor Meeting \(June 4, 2018\).pdf](#)
[RSP - Security.pdf](#)
[Yards R Us - RSP - Termination of Services Letter.pdf](#)
[EMC Lighting.pdf](#)
[EMC Lighting-Backorder.pdf](#)
[Fairburn Lighting.pdf](#)

Greetings Ms. Brianna Rindge, AICP

I'm confirming the actions that the CAM and Rocklyn Homes have taken during the most recent period of deferment between Renaissance at South Park residents and Rocklyn Homes.

The main issues shared by the Advisory Board and the residents:

- Lighting | Improving brightness in the community
- Parking | On the street parking & clubhouse parking
- Security | Parking & trash
- Landscaping | Not addressing needs of community
- Website | Would like to have one
- Budgeting | Involvement in the Budgeting Process
- Appeals for Violations | Implementing an appeals process for residents
- Financials
- Amenities | Request for an additional amenity and repair of Festival

Lighting: EMC and Fairburn Utilities are both in this community. EMC has 17 lights in this community that will be upgraded to LED lighting within the next 6 weeks (they are on back order for parts). Fairburn Utilities is working from the back of RSP to the front where construction is to get all the lights repaired and in good condition.

Parking: In the covenants, residents with 1 car garages are allotted 2 parking spaces and residents with 2 cars are allotted 3 parking spaces on their property. If there is a large event, residents have access to a clubhouse with clubhouse parking to host their guests.

Going forward, Rocklyn has agreed that RSP townhomes will be built with 2 car garages and 2 parking spaces in the driveway to accommodate residents.

Security : Begins on 9/1 to help mitigate issues of parking, trash and help with community safety.

Landscaping: Landscaping vendor was sent a termination notice. New landscaper, Gibson Landscaping begins on 9/1.

Website : This was approved by the Declarant at Rocklyn Homes.

Involvement with Budgeting : This has been agreed to between CAM and RSP advisory board.

Implementing an appeals process : This has been agreed to between CAM and RSP advisory board.

Financials: Provided to the advisory board each month.

Amenities: Adding a playground and creating a dog park out of the area on Festival.

en: A copy of the Security letter sent to each resident at RSP, Vendor Meeting notification, Advisory Board Notes from Vendor Meeting, Termination Notice of landscaper, Lighting with Fairburn Utilities and EMC Status

cc: Honorable Mark Baker, District 7 Mayor Pro Tem

Sincerely,

S. Lynn Sanders

Community Association Management, LLC

Physical Address:

101 Devant Street, Suites 904 & 905

Fayetteville, GA 30214

Mailing Address

P. O. Box 143089

Fayetteville, GA 30214

(770) 692-0152

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lsanders@camga.com

Please visit us at www.camga.com

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Rezoning Impact Statement

06/04/2018

PETITION: RENAISSANCE AT SOUTH PARK

Proposed Residential Units

JURISDICTION: SOUTH FULTON

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	145 (in addition to already zoned)	0	0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A	GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED	DISPLACED STUDENTS	PROJECTED UNDER/OVER CAPACITY ^B	
					WITHOUT DEV	WITH DEV
Oakley ES	842 to 894	875	11	0	-33 to 19	-22 to 30
Bear Creek MS	1,212 to 1,286	1,075	6	0	137 to 211	143 to 217
Creekside HS	1,693 to 1,797	1,875	7	0	-182 to -78	-175 to 71
TOTAL			24	0		Insufficient historical data to run report?: ☐

HS REGION:	AVERAGE - 1 STD. DEV.	AVERAGE + 1 STD. DEV.	
Creekside HS			
One single-family detached unit generates:	0.058154	0.501326	elementary school students
	0.017048	0.121234	middle school students
	0.060301	0.212489	high school students
One townhouse unit generates:	0.223134	0.538792	elementary school students
	0.063299	0.117043	middle school students
	0.092807	0.135943	high school students
One apartment unit generates:	0.085227	0.293855	elementary school students
	0.013366	0.100156	middle school students
	0.037715	0.144177	high school students
One condominium unit generates:			elementary school students
			middle school students
			high school students

DOES NOT APPLY TO THIS PETITION

(Note: Empty/null values indicate insufficient historic data)

AVERAGE OPERATIONAL COST PER STUDENT (FY19 - Propos

TOTAL COST:\$14,906 PORTION LOCAL REVENUE SOURCES: \$9,902 PORTION STATE AND OTHER REVENUE SOURCES: \$5,004

^A Forecasted enrollment for the 2018-19 school year

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.

[illegible]



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #:

MM18-003

(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development Services.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M _____

- 1) Planner who determined the type of Modification you should file: Brianna Rindge
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). 1.b; 1.c; 1.d; 1.e; 2.a
- 3) Petition number of the Zoning or Use Permit to which this application applies 2002Z-0124 SFC
Current zoning district MIX 2003VC-0229 SEC
- 4) Attach a copy of Legal Description [must be metes and bounds], or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: ____/____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: _____

NOTICE: Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

REDUS One, LLC

By: Redus Properties, Inc.

TYPE OR PRINT OWNER'S NAME

301 S. College St., 15th Floor

ADDRESS

Charlotte, NC 28288

CITY & STATE

ZIP CODE

By: Ryan Sansavera

OWNER OF PROPERTY (SIGNATURE) Ryan Sansavera

(704) 715-8558

Its: Vice President

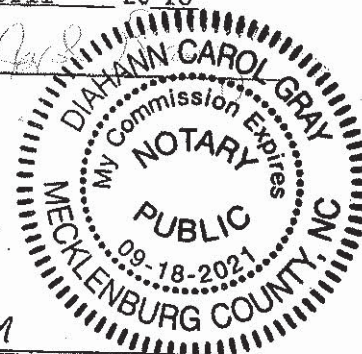
PHONE NUMBER

ryan.sansavera@wellsfargo.com

EMAIL ADDRESS RYAN.SANSAVERA@WELLSFARGO.COM

Sworn to and subscribed before me this
20 day of April 2018

NOTARY PUBLIC



SECTION IV: Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

By: Tim Jenkins

Rocklyn Homes, Inc.

APPLICANT (SIGNATURE) Tim Jenkins-Agent

3506 Koger Boulevard, Suite 275

TYPE/PRINT NAME OF APPLICANT

Duluth, Georgia 30096

ADDRESS

(404) 424-6723

CITY & STATE

ZIP CODE

tjenkins@rocklynhomes.com

PHONE NUMBER

EMAIL ADDRESS

Sworn to and subscribed before me this

23 day of April 2018

NOTARY PUBLIC



Indicate which of the above is applicable: 1 _____ 2 x or 3 _____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

SIGNATURE OF ATTORNEY/AGENT

Nathan V. Hendricks III

6085 Lake Forrest Drive, Suite 200

ADDRESS

Atlanta, Georgia 30328

CITY & STATE

ZIP CODE

(404) 255-5161

PHONE NUMBER

CHECK ONE: ☒ ATTORNEY ☐ AGENT

LETTER OF INTENT

The property contains approximately 149.17 acres and is located at the northwest corner of the intersection of Spence Road and Oakley Industrial Boulevard (the "Property"). The Property was zoned to the MIX (Mixed Use) Conditional Classification in Fulton County pursuant to Petition No. 2002Z-0124 SFC/2003VC-0229 SFC and modified and amended pursuant to 2006ZM-0042 SFC/2006VC-0165 SFC, 2008ZM-0002 SFC, 2010ZM-0002 SFC and 2010ZM-0008 SFC.

The Applicant wishes to convert the undeveloped portion of the Property to effectively a townhome development and specifically modify and amend the current Zoning Modification Plan dated October 24, 2011 as follows:

- POD 1 being the Commercial area to remain;
- POD 2 currently providing for 484 townhomes and 17 single-family homes to be converted to provide for 508 townhomes;
- POD 3 being a future phase currently providing for 97 townhomes and 3 single-family homes to be converted to provide for 99 townhomes;
- POD 4 being a future phase currently providing for 111 townhomes and 302 condominiums (multi-family) to be converted to 318 townhomes; and
- POD 5 being a future phase currently providing for 217 townhomes to be converted to 200 townhomes.

The total number of units currently provided for under PODs 2, 3, 4 and 5 are 1,231 in number at a density of 8.25 units per acre and the total number of the units requested to be converted to townhomes are 1,125 in number at a density of 7.54 units per acre.

In order to effect the above requested modification and amendment to a townhome development, the Applicant further requests the following modifications:

- Condition 1.b.: No more than 1,125 townhouses at a maximum density of 7.54 dwelling units per acre based on the total acreage zoned, whichever is less.
- Condition 1.c.: Delete.
- Condition 1.d.: The minimum heated floor area per dwelling unit shall be 1,100 square for each townhome dwelling unit.
- Condition 1.e.: Delete.
- Condition 2.a.: Delete the currently referenced site plan and modify and amend this Condition 2.a. as follows:
To the revised site plan received by the Planning & Zoning Division of the Community Development Services Department on _____, 2018 which site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit.

As is to be noted, this Zoning Modification request represents a reduction in the total number of units from 1,231 to 1,125 and reduces the density from 8.25 units per acre to 7.54 units per acre. Accordingly, this Zoning Modification Application is entirely appropriate and the appropriateness of this Zoning Modification Application and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof.

Now, therefore, the Applicant requests that this Zoning Modification Application be approved as submitted in order that the Applicant be able to proceed with the lawful use and enjoyment of the Property.

APPLICANT:

Rocklyn Homes:

By: 
Tim Jenkins
Its: Agent


Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Atlanta, Georgia 30328
(404) 255-5161

EXHIBIT "A"

APPROPRIATENESS OF APPLICATION

AND

CONSTITUTIONAL ASSERTIONS

The refusal to approve the Modification requested will result in a taking of the Applicant's valuable property rights in violation of the just compensation clause of the Constitution of Georgia 1983, Article 1, Section 3, Paragraph 1 and the just compensation clause of the Fifth Amendment to the United States Constitution. Further, such refusal to approve the requested Modification discriminates in an arbitrary, unreasonable, capricious and unconstitutional manner between the Applicant and owners of similarly situated property in violation of Article 1, Section 1, Paragraph 2 of the Constitution of the State of Georgia and in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Additionally, such refusal to approve the requested Modification would constitute a gross abuse of discretion and would constitute a violation of the Applicant's rights to substantive and procedural due process as guaranteed by the Constitution of the State of Georgia 1983, Article 1, Section 1, Paragraph 1 as well as the Fifth and Fourteenth Amendments to the United States Constitution.

Any approval of this Modification request subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove. The refusal to approve this requested Modification would result in a real, substantial and significantly detrimental hardship to be borne by the Applicant without any corresponding public benefit or legitimate connection to public health, safety, morals and general welfare. The community at large will not be affected by the approval of the requested Modification.

NOTICE OF PUBLIC MEETING
FOR ADJACENT PROPERTY OWNERS AND NEIGHBORHOOD ASSOCIATION(S)

Rocklyn Homes, Inc. has filed a Zoning Modification Application for the approximate 149.17 Acre Tract of land located at the northwesterly corner of the intersection of Spence Road and Oakley Industrial Boulevard with a portion of the property on the southerly side of Oakley Industrial Boulevard (the "Property"). The Property is zoned to the MIX Zoning Classification pursuant to 2002Z-0124 SFC and 2003VC-0229 SFC and is commonly known as the Renaissance at South Park Development. The request for this Zoning Modification is to delete the condo units and single family units and to place in their stead townhomes. This will have the effect of reducing the total number of units for the Development from 1,231 to 1,125 thereby reducing the density from 8.25 units per acre to 7.54 units per acre.

Pursuant to the requirements of the City of South Fulton's Public Participation Program, there will be a Public Meeting to discuss in detail this Zoning Modification Request. The Public Meeting is scheduled as follows:

PLACE: Sales Office for the Renaissance at South Park Subdivision
LOCATION: 7842 Carnegie Drive
Fairburn, Georgia 30313
DATE: Tuesday, May 8, 2018
TIME: 6:00 p.m.

APPLICATION NUMBER:

APPLICANT: Rocklyn Homes, Inc.
Contact: Tim Jenkins
(404) 424-6723



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: M18-004 Modification at 4644 Marching Lane within Lexington Park

DATE OF MEETING: 8/28/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Zoning2_M18-004	Cover Memo	8/22/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 28, 2018, 7:00 p.m.

2. **M18-004: Public hearing** to consider a **modification** request from *Condition 3a* identified in zoning *Case No. Z05-096* to reduce the side yard setback from 7.5' to 3.5' at 4644 Marching Lane within the Lexington Park subdivision

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: **M18-011 at 4644 Marching Lane (Lot 108, Lexington Park subdivision)**

DATE: August 28, 2018

Michelle Macauley for DR Horton requests a modification to reduce the side yard setback from 7.5 feet to 3.5 feet on the south property line at 4644 Marching Lane within the Lexington Park subdivision.

STAFF RECOMMENDATION: APPROVAL

7/24/18: MAYOR & COUNCIL DEFERRED REQUEST

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Michelle Macauley LeCraw Engineering 3475 Corporate Way Suite A Duluth, GA 30096
Status of Applicant:	Agent for D.R. Horton who owns the property
City Council District(s):	4
Parcel ID Number:	09F310001434537
Area of Property:	The property is composed of approximately 0.1733 acres.
Current/Past Use of the Property:	The property is currently developed with a single-family home. The home is unoccupied until it can obtain a Certificate of Occupancy, which requires compliance with this side yard setback in question.
Prior Zoning Cases/History:	Z05-096 , request to rezone property from AG-1 (Agricultural District) to CUP (Community Unit Plan District) – APPROVED WITH CONDITIONS
Surrounding Zoning:	The property is in the middle of an entire subdivision zoned CUP (Community Unit Plan District).
2035 Future Land Use Designation:	Rural Neighborhood
Compatibility with 2035 Comprehensive Plan:	The proposed modification does not alter the use of the property.
Overlay District:	Cliftondale
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street</u> : Marching Lane <u>Classification</u> : Residential Street <u>Public Transit</u> : MARTA is not available to this site <u>Bike/Pedestrian Access</u> : Sidewalks are available within the Lexington Park Subdivision. A small stretch of sidewalk is provided at the subdivision entrance.



CONDITION(S) TO BE MODIFIED

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

Minimum side yard: 7.5 feet

PUBLIC PARTICIPATION

The applicant held their own public meeting on March 27, 2018 from 5:00 p.m. to 5:45 p.m. at the Wolf Creek Library at 3100 Enon Road. Two members of public attended the meeting, both in support of the project. One attendee wanted to make sure that this variance applied to one lot only. The applicant explained that the request is due to the need to develop houses comparable to those already constructed within the subdivision.

STAFF COMMENTS

Engineering: Reviewed; no comments

Environmental: Reviewed; no comments

M18-004 for 4644 Marching Lane)
August 28, 2018
Page 3 of 4

Public Works: Reviewed; no comments

Transportation: None provided

MARTA: Reviewed; no comments

Fulton County Schools: Reviewed; no comments

Fire: None provided

Legal: None provided

PLANNER'S RECOMMENDATION

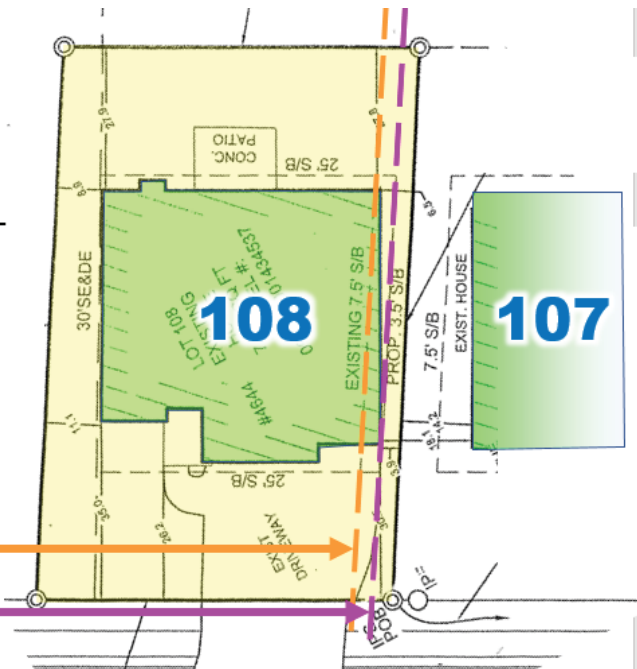
The house on the subject property, Lot 108, is currently constructed 3.9' from its side property line to the south. The required side yard setback is 7.5', so between every two homes, there is at least 15'. The home due south of the subject property is Lot 107 (4654 Marching Lane). Lot 107 is 14.2' from the joint property line with Lot 108. This 14.2' distance combined with the 3.9' distance provides for a total of 18.1' of separation between the existing homes. Thus, Lots 107 and 108 comply with the Zoning Resolution requirement of a minimum of 15' between homes because they were constructed 18.1' apart. Based upon the findings and conclusions herein, Staff recommends **APPROVAL**.

$$\begin{array}{r} \text{Lot 108 side set back } 3.9' \\ + \text{ Lot 107 side set back } 14.2' \\ \hline \text{Total between homes} = 18.1' \\ \text{Zoning Resolution minimum} = 15' \end{array}$$

Homes meet intent of Zoning Resolution.

7.5 (required today)

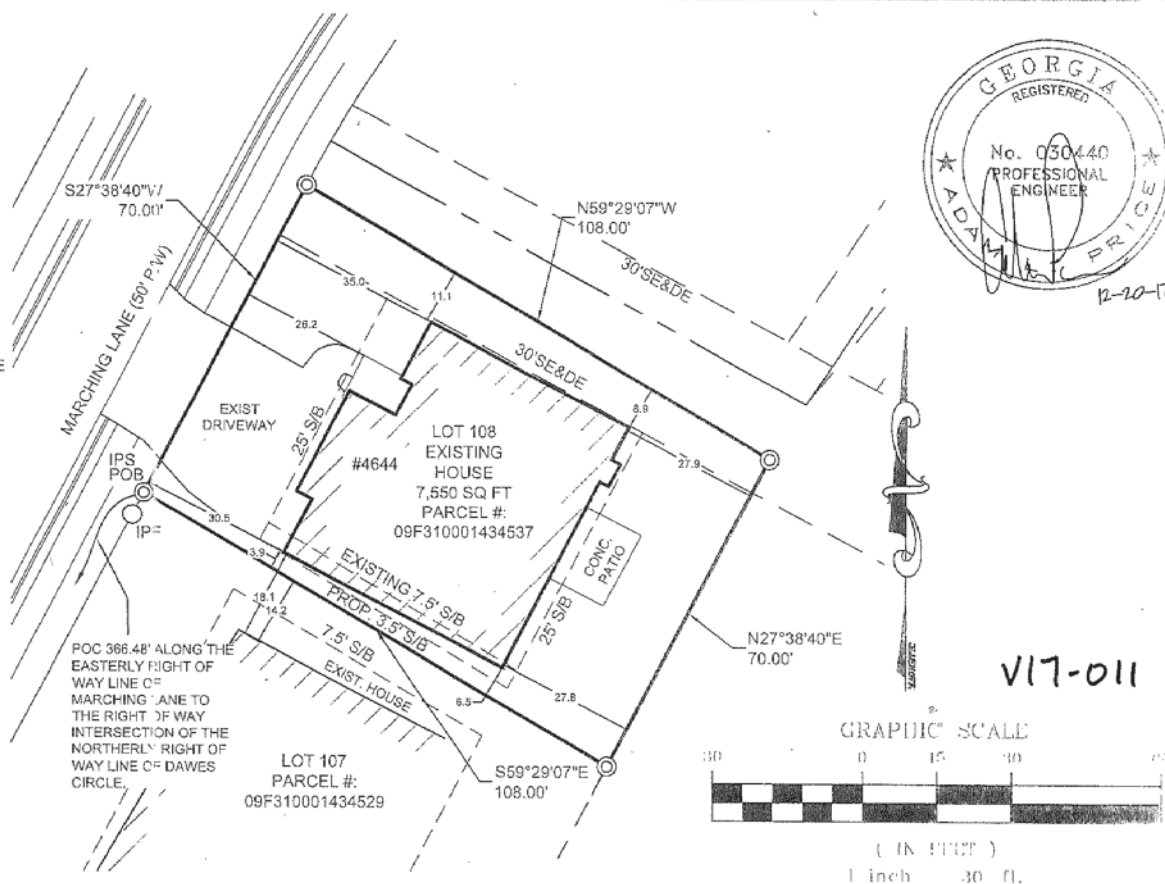
3.5 (proposed)



REVIEWED BY:

Dana Gray

1. **OWNER/BUILDER:**
D.R. HORTON
8800 ROSWELL RD
BLDG G SUITE 100
SANDY SPRINGS, GA 30353
2. **24 HOUR EMERGENCY CONTACT:**
BRADY DELONG
770-730-7935
3. **ENGINEER/SURVEYOR:**
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DRIVE
STOCKBRIDGE, GA 30281
PH. 770-389-8666
FAX 770-389-8666
4. **BOUNDARY AND OTHER PERTINENT INFORMATION WAS TAKEN FROM:** FINAL PLAT LEXINGTON PARK SUBDIVISION, PHASE 1 DONE BY GEORGIA PROFESSIONAL LAND SURVEYING, LLC AND RECORDED IN PB 322 PGS 27-39 IN FULTON COUNTY RECORDS.
5. **ACCORDING TO THE F.I.R.M. OF FULTON COUNTY, PANEL NUMBER 13121C0338F, DATED 9/18/2013, THIS LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.**
6. **ANY REVISIONS THAT WERE NOT DONE UNDER THE SUPERVISION OF THE ENGINEER OF RECORD WILL VOID THE CERTIFICATION OF THIS DOCUMENT.**



FALCON DESIGN CONSULTANTS, LLC. ALL RIGHTS ARE RESERVED. ANY POSSESSION, REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM FALCON DESIGN CONSULTANTS, LLC. IS EXPRESSLY PROHIBITED.

SHEET NUMBER

1.0

DATE: 12-20-17
SCALE: 1" = 30'
FILE NUMBER:
DRAWN BY: WR

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

REVISIONS

1.	
2.	
3.	
4.	



Know what's below.
Call before you dig.
UTILITY PROTECTION CENTER
1-800-485-1111 THROUGHOUT GEORGIA
OR 800-811



VARIANCE PLAN
FOR
LOT 108
LEXINGTON PARK SUB.
LOCATED IN:
LAND LOT 143, 9TH DISTRICT
FULTON COUNTY, GEORGIA



ENGINEERING

PLANNING



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____
(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development Services.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M _____

- 1) Planner who determined the type of Modification you should file: Shayla Reed
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). 3a; _____; _____; _____; _____.
- 3) Petition number of the Zoning or Use Permit to which this application applies 2015ZM-001 & 2005Z-0096 SFC
Current zoning district CUP
- 4) Attach a copy of Legal Description [must be metes and bounds], or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: Lexington Park UNIT/PHASE: _____

LOT NUMBER: Lot 108 BLOCK DESIGNATION: _____ LAND LOT(S): 143

DISTRICT/SECTION: 9th/ RECORDED IN PLAT BOOK: 322 PAGE: 27-39

ROAD NAME: Marching Lane

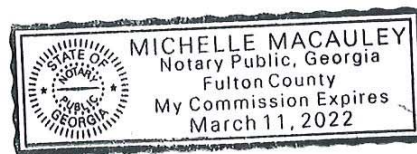
NOTICE: Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

DRHORTON - WPH-LLC
TYPE OR PRINT OWNER'S NAME
8800 ROSWELL ROAD, BLDG B
ADDRESS
SANDY SPRING, GA 30350
CITY & STATE ZIP CODE DRHORTON, INC.
770-527-4010 SOLE MEMBER
OWNER OF PROPERTY (SIGNATURE)
BA RIPPEN@DRHORTON.COM
PHONE NUMBER
EMAIL ADDRESS

Sworn to and subscribed before me this
7 day of May 2018

Michelle Macauley
NOTARY PUBLIC



SECTION IV: Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

APPLICANT (SIGNATURE)

TYPE/PRINT NAME OF APPLICANT

ADDRESS

CITY & STATE ZIP CODE

PHONE NUMBER

EMAIL ADDRESS

Sworn to and subscribed before me this

____ day of _____ 20____

NOTARY PUBLIC

Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

Michelle Macauley - Leckow ENGINEERING
SIGNATURE OF ATTORNEY/AGENT

CHECK ONE: ☐ ATTORNEY ☒ AGENT

3475 Corporate Way, Suite A
ADDRESS
Duluth GA 30096
CITY & STATE ZIP CODE
404-784-1049
PHONE NUMBER

LEGAL DESCRIPTION
LEXINGTON PARK SUBDIVISION
LOT 108

All that tract or parcel of land lying in Land Lot 143 of the 9th District of Fulton County, Georgia, containing 7,550 sq. ft. also known as Lot 108, and more being described as follows:

Commence on the northerly right-of-way of Dawes Circle (50' R/W) and the easterly right-of-way of Marching Lane (50' R/W).

Thence, along Marching Lane right-of-way 366.48 feet to the **POINT OF BEGINNING**.

Thence, leave right-of-way S 59° 29' 07" E for 108.00 feet to a point.

Thence, N 27° 38' 40" E for 70.00 feet to a point.

Thence, N 59° 29' 07" W for 108.00 feet to a point on Marching Lane.

Thence, along right-of-way S 27° 38' 40" W for 70.00 feet to the **POINT OF BEGINNING**.

V17-011



May 7, 2018

Shayla Reed
Interim Director
Community Development Services
City of South Fulton,
5440 Fulton Industrial Blvd, S.W. Atlanta, GA

Re: Lexington Park Lot 108 Zoning Modification 2015ZM-001 & 2005Z-0096 SFC

Dear Ms. Reed:

The applicant and owner, D.R. Horton – WPH, LLC request to modify Condition 3a to reduce the side yard setback from 7.5 feet to 3.5 feet for Lot 1808 in the Lexington Park subdivision. The modification will allow the newly constructed on Lot 108 (4644 Marching Lane) to remain in place as constructed. The home as currently constructed is 3.9 feet off the south side property line due to a mapping error in the lot lines. The required side yard setback in Lexington Park is 7.5 feet which provides for 15 feet between adjacent homes. The adjacent home at 4654 Marching Lane (Lot 107) is 14.2 feet from the joint property line which when combined with the 3.9 feet provides for an 18.1-foot separation between the two homes. Allowing the newly constructed home on Lot 108 to remain is in harmony with the general purpose and intent of the zoning condition to provide for a minimum of 15 feet between homes.

Thank you for your consideration. Please contact me directly if you have any questions or concerns.

Sincerely,

Bruce A. Rippen
Vice President, Land Acquisition



March 20, 2018

Invitation to Community Meeting – City of South Fulton Variance #V17-011

Dear Property Owner;

I am contacting you on behalf of our client D.R. Horton, Inc, to invite you to a Community Meeting on **Tuesday, March 27th**. The purpose of the meeting is to give the community the opportunity to learn more about a variance that D.R. Horton has filed with the City of South Fulton. The variance is to reduce a side-yard setback for a new home constructed at 4644 Marching Lane in the Lexington Park community.

The meeting will be held in Conference Room C at the Wolf Creek Library located at 3100 Enon Rd, Atlanta, GA 30349. The meeting will start at 5:00pm and will conclude at 5:45pm. If you are unable to attend this meeting but would like more information on this variance, please feel free to contact me directly at michelle.mcacauley@lecraweng.com.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Macauley".

Michelle Macauley

LeCraw Engineering, Inc.

3475 CORPORATE WAY - SUITE A - DULUTH, GA 30096 - 678.546.8100

WWW.LECRAWENGINEERING.COM

(1)



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: U18-001 Use Permit at 6600 Old National Hwy

DATE OF MEETING: 8/28/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Zoning3_U18-001	Cover Memo	8/22/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 28, 2018, 7:00 p.m.

3. **U18-001: Public hearing** for a **use permit** to operate a private school at 6600 Old National Hwy

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: U18-001 for 6600 Old National Hwy
DATE: August 28, 2018

Applicant Herbert Humphrey for Legacy Christian Academy seeks use permit to operate a private school at 6600 Old National Hwy.

STAFF RECOMMENDATION: APPROVAL WITH CONDITION

6/19/18: PLANNING COMMISSION DEFERRED REQUEST

7/17/18: PLANNING COMMISSION APPROVED REQUEST WITH CONDITION

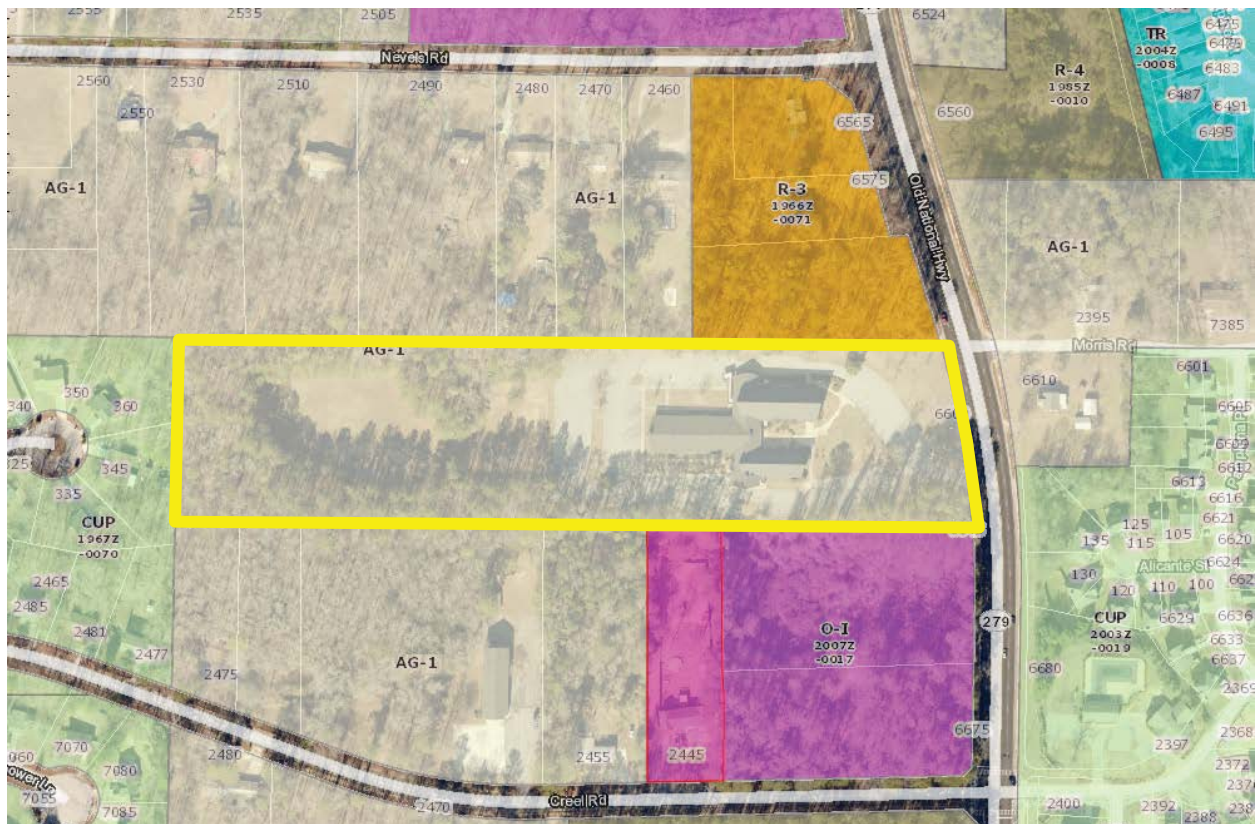
cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Herbert Humphrey, PE Legacy Christian Academy 8491 Hospital Dr Douglasville, GA 30134
Status of Applicant:	Applicant will share property with existing church as they maintain opposite hours; applicant will only occupy approximately 2,040 square feet of rooms within the existing building
City Council District(s):	6
Parcel ID Number:	13 0157 LL0435
Area of Property:	The property is composed of approximately 9.36 acres.
Current/Past Use of the Property:	Currently utilized by a church on Sundays
Prior Zoning Cases/History:	None
Surrounding Zoning & Use:	<u>North:</u> • R-3 (Single-Family Dwelling District) • AG-1 (Agricultural District) containing single-family homes <u>East:</u> • AG-1 (Agricultural District) containing single-family homes • CUP (Community Unit Plan District) containing single-family homes <u>South:</u> • O-I (Office and Institutional District) 2 undeveloped parcels; 1 parcel containing a single-family home • AG-1 (Agricultural District) containing single-family homes and a church <u>West:</u> CUP (Community Unit Plan District) containing single-family homes
2035 Future Land Use Designation:	Community Live-Work
Compatibility with the 2035 Comprehensive Plan:	The proposed use permit is consistent with the Community Live-Work land use designation, which includes “institutional” as one of its compatible land use categories.
Overlay District:	Old National

Public Utilities:	Water and sewer service is provided to these sites by City of Atlanta.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Old National Highway <u>Classification:</u> Minor Arterial State Road <u>Public Transit:</u> MARTA Route 89 within approximately 800 feet of the site <u>Bike/Pedestrian Access:</u> Sidewalk exists across the street along Old National Highway. Desire lines exist along the site's frontage. Bike lanes do not exist.
Parking Required (Pre-School):	5 spaces (1.7 per 1,000 sq. ft. + one per 4 employees on the largest shift)
Parking Proposed:	190 spaces
Loading Required (Pre-School):	None
Loading Proposed:	Drop-off zone

City of South Fulton Zoning:



U18-001 for a Use Permit at 6600 Old National Hwy
 August 28, 2018
 Page 3 of 7

PUBLIC PARTICIPATION

The applicant held their own public meeting on June 5, 2018 at 6:00 p.m. at New Life Presbyterian Church at 6600 Old National Hwy. This is the same building within which the private school is proposed to be located. Ten members of public attended to inquire about the applicant's past experience, to which the applicant responded with detail regarding their fifty-plus years of combined experience managing, operating, and teaching similar educational programs.

Five members of the public attended the Staff-hosted Community Zoning Information Meeting.

USE PERMIT STANDARDS FOR A PRIVATE SCHOOL

1. Minimum lot area shall be 1 acre.
2. If located adjacent to a single-family dwelling district and/or AG-1 district used for single-family, the minimum landscape strips, buffers, and improvement setbacks required for the O-I district as specified in *Section 4.23* shall be required.
3. Buildings, and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single family.
4. Active outdoor recreation areas shall not be located within 100 feet of an adjoining residential district or use. Recreational fields, such as playing fields, that are accessory to the school do not require a separate Use Permit.
5. Day care facilities in association with the school do not require a separate Use Permit.
6. Parking areas shall not be located within 50 feet of any residential district and/or AG-1 district used for single family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles may re-enter the public street in a forward manner.
8. Permitted curb cut access shall not be from a local street.
9. In accordance with *Article 28.4.6.*, submit a Noise Study Report as required.
10. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.
11. Provide per the following chart a minimum distance separation between the nearest property line of the proposed Private or Special School facility and the nearest property line of an existing Private or Special School facility with frontage on the same road(s) as the proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 ft.
Urban Collector Street	½ mile
Urban Local Street	½ mile

**Source: The Department of Transportation Division of Planning, Data, and Intermodal Development Office of Transportation Data in cooperation with U.S. Department of Transportation Federal Highway Administration as of 08/07/2007.*

12. Provide a 600-foot distance separation measured by the most direct route of travel on the ground between the property line of a school and any business that is licensed for the sale or consumption of liquor, wine and malt beverages; a 300-foot distance separation from those businesses that are licensed for consumption or wholesale/retail sales of wine and malt beverages only.

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 any Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by Mayor and Council;**

The proposed use permit is consistent with the Community Live-Work land use designation, which includes “institutional” as one of its compatible land use categories.

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

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 approximately 1.5 acres of open space at the rear of the property is screened from adjacent properties by a 50-foot thick tree buffer. The applicant does not propose any land disturbance or structural alterations, so per *Article IV Sec. 4.3.1*, the site as it is proposed to exist is in compliance with the *Zoning Resolution*.

- 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 site utilizes a one-way flow design which facilitates students pick-up and drop-off. Thus, student drop-off and vehicular turn around facilities are provided on the site so that vehicles may re-enter the public street in a forward manner. Pedestrian desire lines, instead of sidewalks, exist along the property frontage. This is an unsafe environment for pedestrians traversing the property.

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

The property exceeds the required number of parking spaces per *Article XVIII* of the *Zoning Resolution*.

6. The amount and location of open space;

This project does not propose any changes to the existing structure or site, which already contains approximately 1.5 acres of open space at the rear of the property, screened from adjacent properties by a 50-foot thick tree buffer.

7. Protective screening;

This project does not propose any changes to the existing structure or site.

8. Hours and manner of operation;

The school will serve 4-to-6-year-olds and will operate Monday through Friday from 7:00 a.m. to 6:00 p.m.

9. Outdoor lighting; and

This project does not propose any changes to the existing structure or site.

10. Ingress and egress to the property.

The property is served by one curb cut along Old National Highway, which is classified as an arterial (not a local street) by the *2035 Comprehensive Plan*.

STAFF COMMENTS

Engineering: Reviewed; no comments

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: There is a wastewater manhole approximately 175 feet west of the western property line along an 8" sanitary sewer line within the right-of-way of Rocky Springs Court that can service this location. Connection will require the acquisition of a 20'-wide sanitary sewer from the property owner of either 345 or 360 Rocky Springs Court.

Transportation: None provided

MARTA: Route 89 service is adequate to offer transportation alternatives to the site, however the lack of sidewalk from the site to either bus stop yields a challenge.

Fulton County Schools: Reviewed; no comments

Fire: None provided

Legal: None provided

PLANNER'S RECOMMENDATION

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 applicant does not propose any land disturbance or structural alterations, so per *Article IV Sec. 4.3.1*, the site as it is proposed to exist is in compliance with the *Zoning Resolution*. The applicant completed both a Noise Study Report and Environmental Site Analysis and conclude that the proposed project will not cause noise or environmental burden on the surrounding area. The property exceeds the required vehicular facilities but provides insufficient pedestrian facilities. The applicant submitted an addendum to their Letter of Intent stating that the school will draw from a 15-mile radius and that "Legacy's transportation van will provide transportation for any students who are not being dropped off and/or picked up by their parent or guardian," therefore all school traffic will access the site by vehicle. However, due to the unsafe pedestrian conditions, Staff recommends that the property be brought into compliance with the Old National Overlay sidewalk requirements along Old National Highway. Based on the conclusions and findings herein, Staff recommends **APPROVAL with the condition that the property owner pave a 5' wide sidewalk along the Old National Highway property frontage.**

PLANNING COMMISSION RECOMMENDATION

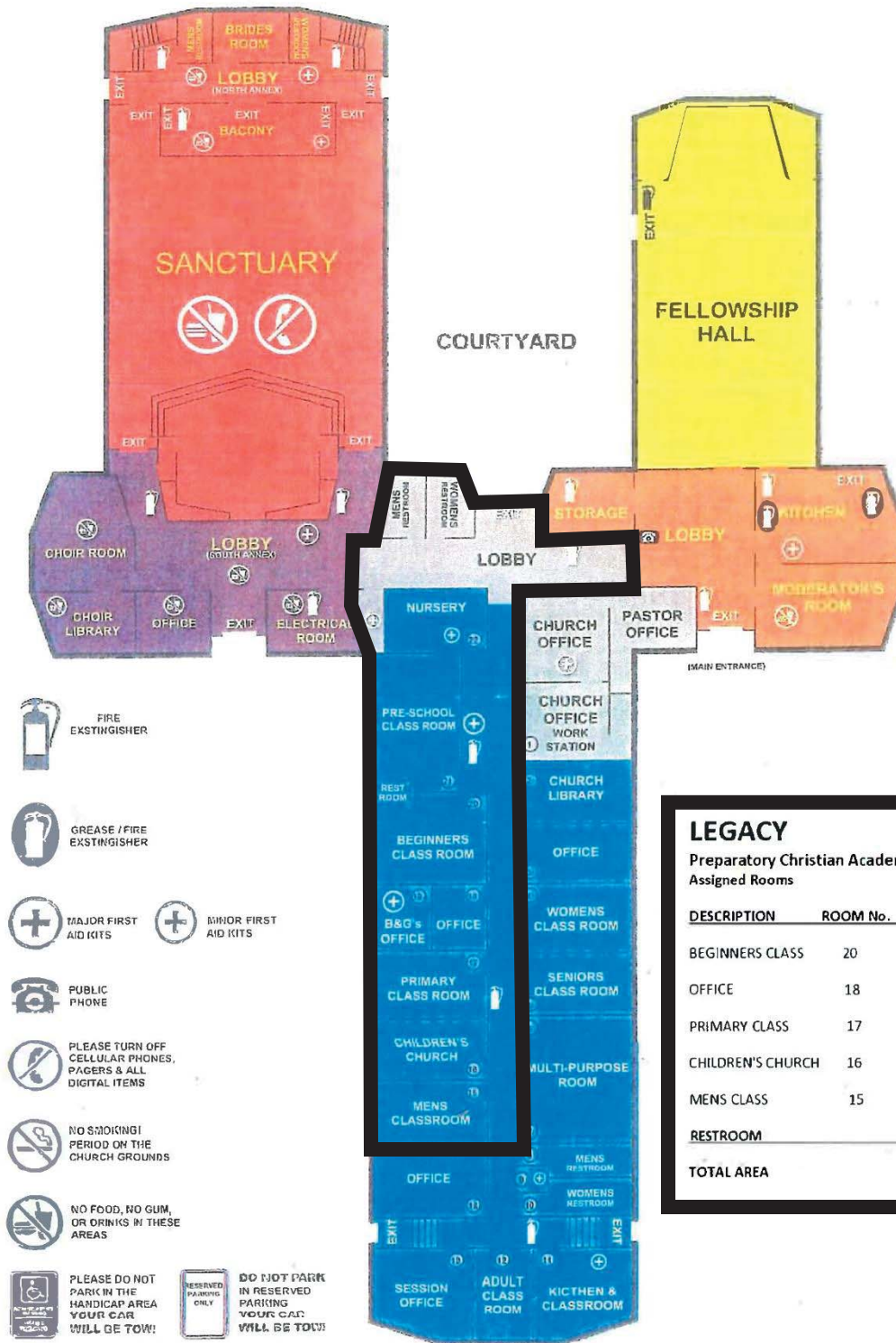
APPROVAL with the condition that the number of students be limited to 50, total, which will cap the total number of students at 12-13 per classroom.

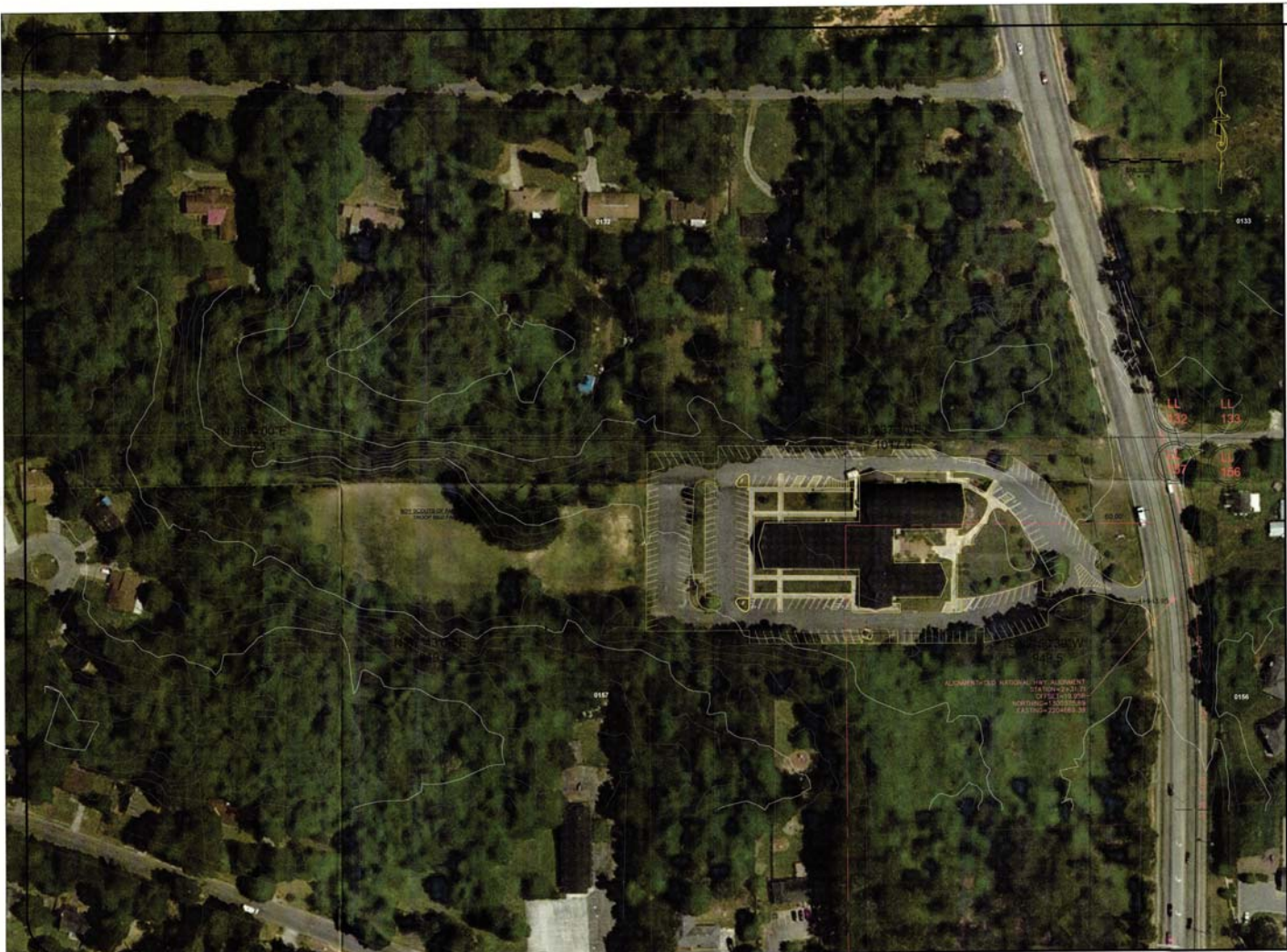
REVIEWED BY:

Brianna Rindge, AICP

FIGURE 1: LEGACY FLOOR PLAN

NEW LIFE PRESBYTERIAN CHURCH





Project No:
04232018P

Date:
04/23/2018

AS NOTED

Sheet
NS-1

**METROCORP
DEVELOPMENT
ENTERPRISES, INC.**
1000 W. BROAD ST., SUITE 300
ATLANTA, GA 30336
(404) 525-1234

**NEW LIFE
PRESBYTERIAN CHURCH**
LEGACY PARKWAY
6100 OLD NATIONAL HWY.
SOUTH FULTON, GEORGIA

SITE PLAN - AERIAL
LEGACY PARKWAY
SOUTH FULTON, GEORGIA

No.	Date	Revisions/Notes	Design	Drawn	Checked

THE ENGINEER HAS EXAMINED THE SITE, DESIGN, AND PREPARED THIS PLAN. THE ENGINEER HAS NO GUARANTEE AS TO THE ACCURACY OF THE DATA OR THE RESULTS OF THE DESIGN. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT.

LEGACY CHRISTIAN ACADEMY

Legacy Christian Academy is seeking to establish a preschool in the city of Fayetteville Georgia and/or the City of South Fulton Georgia.

The objectives for the establishment of the Pre-School are to:

1. Provide Quality Christ centered educational opportunities for 3-6-year-old children in the Fayetteville and/or College Park communities.
2. Use the school as a tool to witness to families thus bringing them who are willing into a relationship with Jesus Christ.
3. Help the church that houses Legacy Christian Academy to grow numerically and financially.

Legacy Christian Academy seeks to accomplish these objectives by establishing a school that will be located on the property of a Christian based church. The plan is to set up a classroom environment and offer a full academic program to children between the ages of 4 and 6.

Funding for the academy's operation will be made possible through fees charged to the parents of the children attending the academy. As well as through selected fundraising events.

Legacy Christian academy will operate as an early childhood institution providing quality education to children ages 4-6. It is our goal to provide a unique opportunity to impart Christian values to the children in the community in which it serves.

The school will teach the ABEKA Curriculum as the core academic program with modifications to include foreign languages and physical education. ABEKA is the program of choice as it is an internationally accredited, quality tested curriculum and is most closely aligned with Legacy Christian Academy to deliver a Christian centric educational experience.

Legacy's transportation van will provide transportation for any students who are not being dropped off and/or picked up by their parent or guardian.

Given the demographics and the pricing, there is one other facility within an eight-mile radius that pose the greatest competition to the proposed academy. It is namely, Solid Rock Christian Academy, located on Highway 138.

We are aware therefore that to be successful, we must be competitive with the available rates, while simultaneously offering a superior product, including but not limited to an enhanced and creative curriculum as well as visual stimulated classrooms for student activities.

Rates are to be determined based on overhead expenditures and operating cost once a budget has been put in place. A discount will be offered to active members of the church that houses the academy.

Sales forecast

Legacy Christian academy is well positioned to take on the available market in the College park, Fayetteville, and surrounding areas. We are quite optimistic that we will meet our set target of generating enough income /profits from the first 12 months of operations and grow the academy and our student base.

We have been able to critically examine the private school/Christian academy market. We have analyzed our chances in the industry and have been able to come up with the following sales forecast.

- First year-: \$75.000
- Second year-: \$150.000
- Third year-: \$250.000

This sales projection is based on the location of the proposed academy and of course the wide range of educational services that we will be offering.

This projection is also based on what is obtainable in the industry and with the assumption that there won't be any major economic meltdown or natural disasters within the period stated above. Please note that the above projection might be lower and at the same time might be higher.

Our Pricing Strategy

Generally, for a tuition based educational facility such as the proposed academy, flat fees on a weekly or monthly basis is what is attainable. As a result, Legacy will charge the parents who enroll students into our academy a flat fee of \$150.00 per week, to be paid weekly, bi-weekly or monthly. Legacy will offer a 15% discount to students who's families are active members of the church that houses the academy.

Based on the projections, the space provided, (70% of the educational wing) the startup expenditures, and the time of year (post registration), Legacy is prepared to offer/pay a monthly rental rate of:

- First year-: \$2000.00 per month
- Second year-: \$2500.00 per month
- Third year-: \$2500.00 per month

With hopes of a reassessment after the third year to determine the monthly rental rate thereafter.

Legacy has a small to moderate clientele already in existence and will continue to build once a contract has been established. An aggressive marketing team has already been put in place.

To secure students for the school, Legacy Christian Academy (LCA) will target parent groups in the 30-45 age group with adequate means to fund their children's education privately. This strategy will be crucial for long term success of the school.

Areas to be targeted are those residential communities within a 15-mile radius of the school which are matching our target economic profile. This includes, Country Lake. The Providence, St. Andrews, the Legacy subdivision. North Pond, Lafayette and many more.

The providers seeking this opportunity have served this community for 25 plus years and are in good standing with the citizens of College Park, Fayetteville and the surrounding areas.

We believe that the opportunity is God lead and will benefit all that are involved.

Thank you in advance for your consideration.

To God be the glory!

Onward and upward!

Contacts:

Edweana Majors 678 779-7951

Kay L. Ross 678 779-7957

Kristen Hadley 404 587-2612

LEGACY CHRISTIAN ACADEMY



Legacy Christian Academy is seeking to establish a preparatory school in the City of South Fulton.

Our objective is:

To provide quality Christ centered educational opportunities for 4-6-year-old children in the City of South Fulton and surrounding communities. Thus, giving families a choice of a private/Christian school, or public schooling. Accreditation is being pursued with various accreditation sources. The academy will operate Monday-Friday from 7am until 6pm.

The founding partners seeking this opportunity have served the community which is now called the City of South Fulton for 25 plus years with an early learning center on Old National Hwy. home schools, as well as various other summer youth programs.

We purpose to encourage each student into developing a love for learning by providing a safe Cristian environment that is visually stimulating, A high energy qualified staff, a small classroom to staff ratio and a sound Christian based curriculum.

The academy will teach the ABEKA curriculum as the core academic program with modifications to include foreign language and physical education. A full academic program with a classroom environment is to be offered which will include:

Reading	Math
Science	English
History	Geography
Art	Music
Computer literacy	Bible
French/Spanish	Physical Education

Thank you in advance for your consideration.

Contacts:

Edweana Majors	678 779-7951	ejmajors@aol.com
Kay Ross	679 779-7957	klross05@hotmail.com
Kristian Philpot	404 587-2612	kristin.hadley@yahoo.com



APPLICATION FOR REZONING & USE PERMIT

City of South Fulton Community Development Services
City of South Fulton City Hall
5440 Fulton Industrial Boulevard
Atlanta, GA 30336

DATE: APRIL 23, 2018

TAX PARCEL IDENTIFICATION NUMBER(S): 130157LL0435

SECTION I

REZONING REQUEST

Office use only:
ZONING CASE #: U18-001 ROAD FRONTAGE: Old National Hwy

PROPERTY ADDRESS (if available): 6600 OLD NATIONAL HWY.

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from _____ to _____

Existing Zoning(s)

Proposed Zoning(s)

SECTION II

USE PERMIT REQUEST

Office use only:
USE PERMIT CASE # U18-001 ROAD FRONTAGE: Old National Hwy

Under the provisions of Article XIX of the Zoning Resolution, application is hereby made to obtain a Use Permit as follows:

CURRENT ZONING: Ag-1

USE PERMIT REQUEST: Private School

SECTION IV

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

- If you are the sole owner of the property and not the petitioner complete Part 1.
- If you are the petitioner and not the sole owner of the property complete Part 2.
- If you are the sole owner and petitioner complete Part 1.
- If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

NewLife Presbyterian Church
TYPE OR PRINT OWNER'S NAME

6600 Old National Highway
ADDRESS

College Park GA 30349
CITY & STATE ZIP CODE

Clarence Jackson Elder of Property 770 652 8618
OWNER'S SIGNATURE PHONE NUMBER

clerdick@gmail.com
EMAIL ADDRESS

Sworn to and subscribed before me this the

23rd Day of April, 2020

NOTARY PUBLIC



PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

TYPE OR PRINT PETITIONER'S NAME

ADDRESS

CITY & STATE ZIP CODE

PETITIONER'S SIGNATURE

EMAIL ADDRESS

Sworn to and subscribed before me this the

Day of 20

NOTARY PUBLIC

SECTION V

ATTORNEY / AGENT

Check One: ☐ Attorney ☒ Agent

HERBERT HUMPHREY
TYPE OR PRINT ATTORNEY / AGENT NAME

Herbert Humphrey
SIGNATURE OF ATTORNEY / AGENT

8491 HOSPITAL DRIVE
ADDRESS

DAWLVILLE, GA 30134
CITY & STATE ZIP CODE

PETITIONER'S SIGNATURE

HERBERT.HUMPHREY@METROCORPDE.COM
EMAIL ADDRESS

404 695-7902
PHONE NUMBER

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 157 OF THE 13TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE WESTERLY SIDE OF THE RIGHT-OF-WAY OF OLD NATIONAL HIGHWAY WHERE THE SAME IS INTERSECTED BY THE LINE DIVIDING LAND LOTS 132 AND 157 OF SAID DISTRICT, AND RUNNING THENCE SOUTH 87 DEGREES 37 MINUTES 30 SECONDS WEST ALONG THE LINE DIVIDING SAID LOTS 1,017 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 9 MINUTES WEST ALONG THE LINE DIVIDING SAID LOTS 323.1 FEET TO A POINT MARKED BY AN AXLE; THENCE SOUTH 32 MINUTES 30 SECONDS EAST, 304.4 FEET TO AN IRON PIN; THENCE NORTH 87 DEGREES 43 MINUTES EAST ALONG A FENCE, 949.5 FEET TO AN IRON PIN; THENCE NORTH 87 DEGREES 50 MINUTES 30 SECONDS EAST, 451.6 FEET TO AN IRON PIN ON THE WESTERLY SIDE OF THE RIGHT-OF-WAY OF OLD NATIONAL HIGHWAY; THENCE IN A NORTHERLY DIRECTION ALONG THE WESTERLY SIDE OF THE RIGHT-OF-WAY OF OLD NATIONAL HIGHWAY AND FOLLOWING THE CURVATURE THEREOF, 311.6 FEET TO THE IRON PIN AT THE POINT OF BEGINNING; SAID TRACT CONTAINING 9.57993 ACRES AND IS MORE PARTICULARLY SHOWN ON PLAT OF SURVEY PREPARED BY VIRGIL F. GADDY & ASSOC., DATED MARCH 28, 1958 (THE "PROPERTY"). BEING IMPROVED PROPERTY KNOWN AS 6600 OLD NATIONAL HIGHWAY, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FULTON COUNTY, GEORGIA. .PA



Metrocorp Development Enterprises, Inc.

- ◆ Civil Engineers
- ◆ Development Consultants
- ◆ Program Management
- ◆ Construction Managers
- ◆ Globalizations & Emerging Markets

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- ◆ College Park, Georgia 30337
- ◆ (P) 404.695.7902
- ◆ www.metrocorpde.com

◆herbert.humphrey@metrocorpde.com

**LEADERSHIP ◆ EXPERIENCE ◆ TEAM
BUILDING ◆ SUCCESS**

Table of Contents

Introduction

1. Conformance with Fulton County Zoning and Comprehensive Plan
 2. Environmental Impacts of The Proposed Project
 3. Project Implementation Measures
- FIGURE 1
FIGURE 2

Environmental Site Analysis

**6600 Old National Highway
Fulton County, Georgia**

Prepared for:

Legacy Preparatory Christian Academy

Prepared by:

Herbert Humphrey, P.E.

April 23, 2018



Introduction

The proposed legacy Preparatory Christian Academy is seeking to establish LEGACY Christian Preparatory Academy in the New Life Presbyterian Church located at 6600 Old National Hwy, College Park Ga 30349 in the City of South Fulton. The school will be housed in the 20000 s.f. facility located on a 9.57-acre property served by public water, sewer, gas and electric utilities. The proposed facility will occupy a total of 1680.1 s.f. consisting Office, class rooms areas identified in Figure 1. and Figure 2. The operational hours will be 7:30 am to 6:00 pm daily. The projected student population is 50 students and teachers.

1. Conformance with Fulton County Zoning and Comprehensive Plan

The property is zoned AG-1 and is in a Suburban Neighborhood II in the community of Old National as shown on the Fulton County, 2035 Future Land Use Map (Adopted October 5, 2016). It is close to an urbanized areas and surrounding properties are comprised of medium density residential housing. Public infrastructure is available. This area has a high percentage of existing developed land. The proposed use is consistent with the other types of development allowed in Suburban Neighborhood which include civic uses such as schools, places of worship, community centers and facilities.

2. Environmental Impacts of The Proposed Project

a. Wetlands

The site was not shown on the U.S. Fish and Wildlife Service, National Wetlands Inventory. The site visit did not reveal any wetlands defined as areas that are permanently or seasonally saturated by surface and groundwater and that sustain vegetative cover in continuously saturated soils.

b. Floodplain

The site does not contain 100-year floodplain pursuant to Federal Insurance Rate Map, Fulton County, Georgia, Map Number 13121C0479F, Effective Date, September 18, 2013 attached. The site visit did not reveal any potential flood plain areas.

c. Stream/Stream Buffers

The site does not have any natural streams or stream buffers requirements on the property. The site visit did not reveal any potential stream/stream buffers areas.

- d. Slopes exceeding 33 percent over a 10-foot rise in direction.

There are slopes that exceed 33% along the north property line in undisturbed area with natural vegetation. However, no land disturbance is proposed, and existing site conditions will be maintained, and no impact will result a change to already established topography conditions.

- e. Vegetation (including endangered species)

The existing vegetation is as shown on site plan aerial. However, no land disturbance is proposed, and existing site conditions will be maintained, and no impact to already established vegetation.

- f. Wildlife Species

No land disturbance is proposed, and existing site conditions will be maintained, and no impact to already established Wildlife Species habitat and living conditions.

- g. Archaeological/Historical Sites

There have been no identified and/or registered Archaeological/Historical elements on this Site. However, no land disturbance is proposed, and existing site conditions will be maintained, and no impact to already established conditions.

3. Project Implementation Measures

No building construction will be required, and minimal interior renovations will be performed pursuant to applicable City of South Fulton County regulations and requirements.

- a. No environmentally sensitive areas have been identified and no work is proposed.
- b. Protection of water quality will be maintained through regulatory compliance pursuant to the Post NPDES Permit requirements.
- c. Minimization of negative impacts on existing infrastructure will be implemented through operational practices that will consider and protect public health, safety and welfare.
- d. Minimization on archeological/historically significant areas is not applicable based on the research of the Fulton county and State registry.
- e. Creation and preservation of green space and open space has been addressed through designated existing buffers and landscape areas.
- f. Protection of Citizens from the negative impacts of noise and lighting.

FIGURE 2: LEGACY ENTRANCE AND ASSIGNED ROOMS PHOTOGRAPHS

Page | 1



Figure 2 1PRIMARY DROP OFF TO SCHOOL



Figure 2 PRIMARY ENTRANCE AND DROP OFF TO SCHOOL



Figure 3 ROOM 20 VIEW



Figure 2ROOM 20 VIEW

FIGURE 2: LEGACY ENTRANCE AND ASSIGNED ROOMS PHOTOGRAPHS

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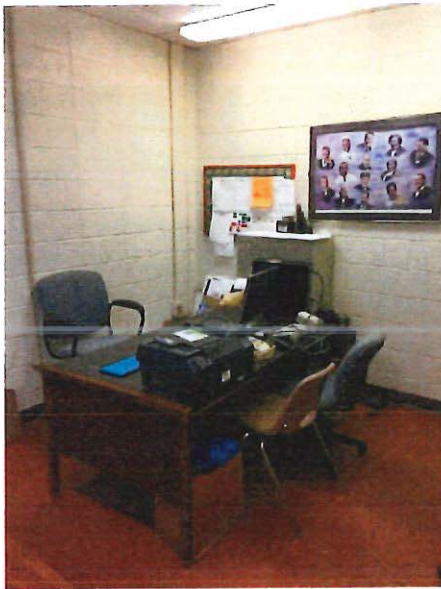


Figure 2 OFFICE AREA VIEW



Figure 2 OFFICE AREA VIEW



Figure 2 ROOM NO. 15 VIEW



Figure 2 ROOM NO. 17 VIEW



Figure 2 ROOM NO. 16 VIEW



Metrocorp Development Enterprises, Inc.

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- ♦ www.metrocorpde.com

♦herbert.humphrey@metrocorpde.com

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- 1.0 Introduction
- 2.0 Noise Determination
- 3.0 Conclusion
- Appendix A
- Appendix B
- Appendix C

Noise Assessment Study Report

**6600 Old National Highway
Fulton County, Georgia**

Prepared for:

Legacy Preparatory Christian Academy

Prepared by:

Herbert Humphrey, P.E.

April 23, 2018



1.0 INTRODUCTION

1.1 Purpose

A noise study was prepared for Legacy Preparatory Christian Academy future location at the 6600 Old National Highway site as a requirement of the Use Permit Application requirements for the City of South Fulton. This study has assessed all noise contributed by: roadways located within **1,000 feet**; active rail lines within **3,000 feet**, and active airports within **5 miles**. The Noise Assessment Guidelines methodology utilized were pursuant to Title 24, Housing & Urban Development, Part 51 – Environmental Criteria and Standards, Subpart B – Noise Abatement and Control, Section 51.103 Criteria and Standards.

1.2 Site Use

The site is operated by New Life Presbyterian Church Unlimited. (dba Legacy Preparatory Christian Academy an educational institution). The Site is zoned AG-1 and is seeking a Special Use Permit.

Description of Key Programs:

- **The School Day Program** works to provide quality Christ Centered educational opportunities for 4- 6-year-old Children in the City of South Fulton.

Hours of Operation:

Legacy Preparatory Christian Academy is a Monday through Friday program. Operating hours are 7:30 a.m. to 6:00 p.m.

2.0 NOISE ASSESSMENTS

2.1 Assessment Approach – Airport

The site characteristics and relationship of the Airport to the NAL are the inputs for the noise calculation. Near the site, the airport noise source considered was the Atlanta Hartsfield Jackson International Airport which is within **3.9 miles** of the site location. The noise based on the Existing (Year 2017) Noise Exposure DNL Contour Map was used to calculate airport noise.

No other Airports in the Metropolitan Atlanta Area were considered because they were outside the 5 mile radius.

The Airport paper Worksheet B of the NAG and support information is shown in the Appendix A. The airport noise calculated is less than 55 dB.

2.2 Assessment Approach – Roadway

The site characteristics and relationship of the road to the Noise Assessment Location (NAL) are the inputs for the noise calculation. The noise of each vehicle type was combined with other vehicle types to calculate a road noise. Near the site roadway noise sources considered were:

- 1.) Old National Highway whose GDOT functional class is **Minor Arterial** and
- 2.) Creel Road whose GDOT functional class **Local**.

The roadway paper Worksheet C of the NAG and support information is shown in the Appendix B. The roadway noise calculated is as follows: Roadway #1 Old National Highway DNL 58.96 dB and Roadway#2 Creel Road DNL 40.77 dB.

2.3 Assessment Approach – Railway

There were no active rail lines within 3000 feet of the site.

The “NOISE STUDY MAP, 6600 Old National Highway, South Fulton, GEORGIA” shows the distances to the noise assessment location (**NAL**) and community sources is attached.

3.0 CONCLUSION

The major noise sources were roads and the airport. The Airport Noise was found to be less than 55 dB which is acceptable. The combined DNL for all road sources including Airport is **60.47** which is classified as **ACCEPTABLE**.

The “NOISE STUDY MAP, 6600 Old National Highway, South Fulton, GEORGIA” shows the distances to the noise assessment location (**NAL**) and community noise sources is attached.

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the [Day/Night Noise Level Calculator Electronic Assessment Tool Overview \(/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/\)](#).

Note: HUD updated the Calculator December 12, 2017. If you used the Calculator prior to December 12, you may need to clear your cache to perform an accurate calculation. [View instructions to clear your cache \(https://support.google.com/accounts/answer/32050\)](https://support.google.com/accounts/answer/32050).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID	6600 OLD NATIONAL HIGHWAY		
Record Date	04/23/2018		
User's Name	metrocorpde		
Road # 1 Name:	Old National Highway		
Road #1			
Vehicle Type	Cars ☒	Medium Trucks ☐	Heavy Trucks ☒
Effective Distance	446		446
Distance to Stop Sign			
Average Speed	55		55
Average Daily Trips (ADT)	27160		840
Night Fraction of ADT	1		1
Road Gradient (%)			1
Vehicle DNL	54.9808		56.7843
Calculate Road #1 DNL	58.9629	Reset	
Road # 2 Name:	CREEL ROAD		

Vehicle Type	Cars ☒	Medium Trucks ☐	Heavy Trucks ☐
Effective Distance	664		
Distance to Stop Sign			
Average Speed	45		
Average Daily Trips (ADT)	2800		
Night Fraction of ADT	1		
Road Gradient (%)			
Vehicle DNL	40.7776		
Calculate Road #2 DNL	40.7776	Reset	
Add Road Source Add Rail Source			
Airport Noise Level		55	
Loud Impulse Sounds?		☐ Yes ☒ No	
Combined DNL for all Road and Rail sources		58.9629	
Combined DNL including Airport		60.474	
Site DNL with Loud Impulse Sound			
Calculate			

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative:** Cancel the project at this location
- **Other Reasonable Alternatives:** Choose an alternate site
- **Mitigation**
 - Contact your Field or Regional Environmental Officer (</programs/environmental-review/hud-environmental-staff-contacts/>)
 - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
 - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
 - Incorporate natural or man-made barriers. See *The Noise Guidebook* (</resource/313/hud-noise-guidebook/>)
 - Construct noise barrier. See the Barrier Performance Module (</programs/environmental-review/bpm-calculator/>)

Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (</resource/3822/day-night-noise-level-assessment-tool-user-guide/>)

Day/Night Noise Level Assessment Tool Flowcharts (</resource/3823/day-night-noise-level-assessment-tool-flowcharts/>)

Appendix A – Airport

Worksheet B
Aircraft Noise

Noise Assessment Guidelines

List all airports within 15 miles of the site

1. **HARTSFIELD-JACKSON INTERNATIONAL AIRPORT**

2. _____

3. _____

Necessary Information:

Airport 1

Airport 2

Airport 3

1. Are DNL, NEF or CNF contours available?
(yes/no)

YES

2. Any supersonic aircraft operations?
(yes/no)

NO

3. Estimating approximate contours from Figure 3:

N/A

a. number of nighttime jet operations

b. number of daytime jet operations

c. effective number of operations
(10 times a + b)

d. distance A for 65 dB

70 dB

75 dB

e. distance B for 65 dB

70 dB

75 dB

4. Estimating DNL from Table 2:

a. distance from 65 dB contour to
flight path, D^1

2082

b. distance from NAL to flight
path, D^2

20,658

c. D^2 divided by D^1

9.8

d. DNL

<55

5. Operations projected for what year?

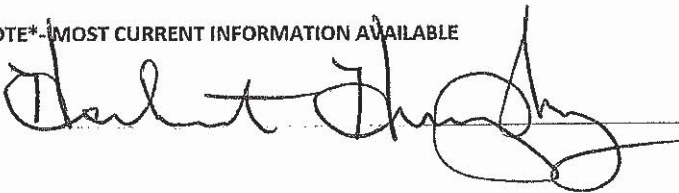
2017*

6. Total DNL from all airports

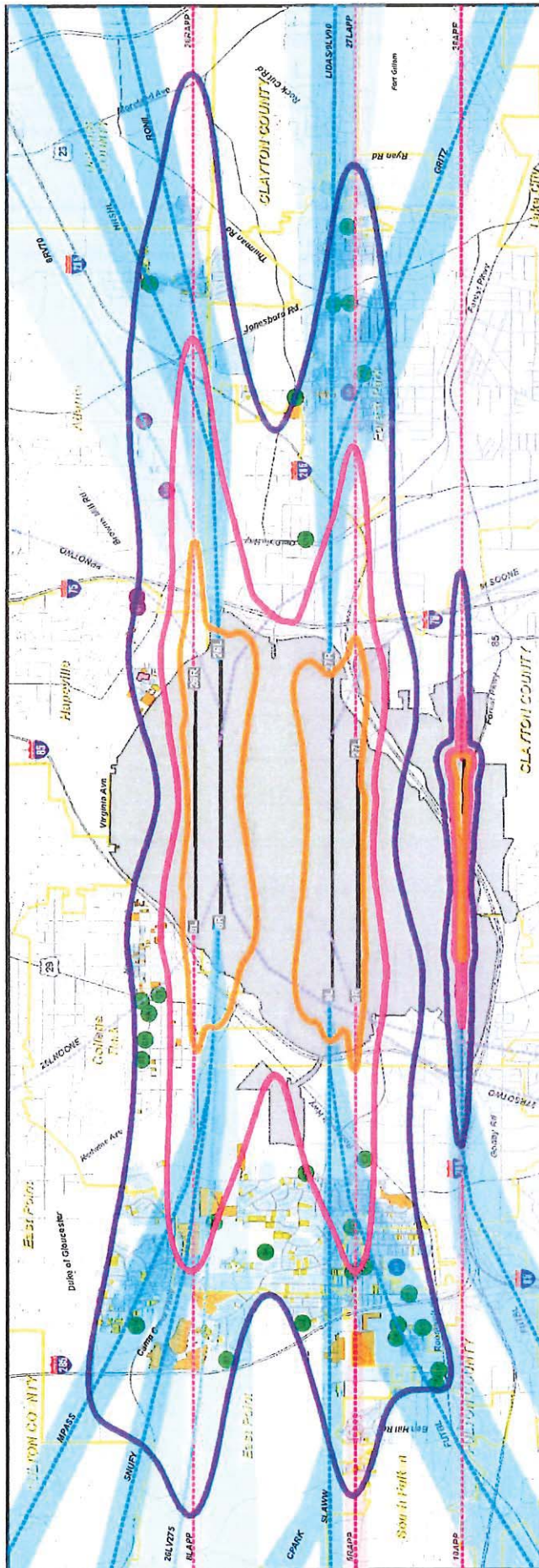
<55

NOTE*-MOST CURRENT INFORMATION AVAILABLE

Signed



Date **APRIL 23, 2018**



MAP A Existing (Year 2017) Noise Exposure



Number of People Exposed to Noise Contours					
Sound Level		Total Sound Level		Total	
Y/NL 65	Y/NL 70	Y/NL 75	Y/NL 75+	Y/NL 75+	Total
10,525	252	1,332	1,332	2	13,141

This Noise Exposure Map (NEM) was prepared following procedures outlined in Title 14, Chapter 1, Subchapter 1, Part 150 of the Code of Federal Regulations (14 CFR 150). The City of Atlanta Department of Aviation and International Transportation (DAIT) is responsible for the preparation and distribution of this NEM. The NEM is intended to provide information to the public regarding the noise exposure of the Atlanta-Fulton County Stadium and the surrounding area. The NEM is not intended to be used for legal purposes. The NEM is a planning tool and should be used in conjunction with other planning tools. The NEM is a planning tool and should be used in conjunction with other planning tools. The NEM is a planning tool and should be used in conjunction with other planning tools.

By: Thomas E. Hittman, Ph.D.
Chief of the Department of Aviation and International Transportation
City of Atlanta, Georgia

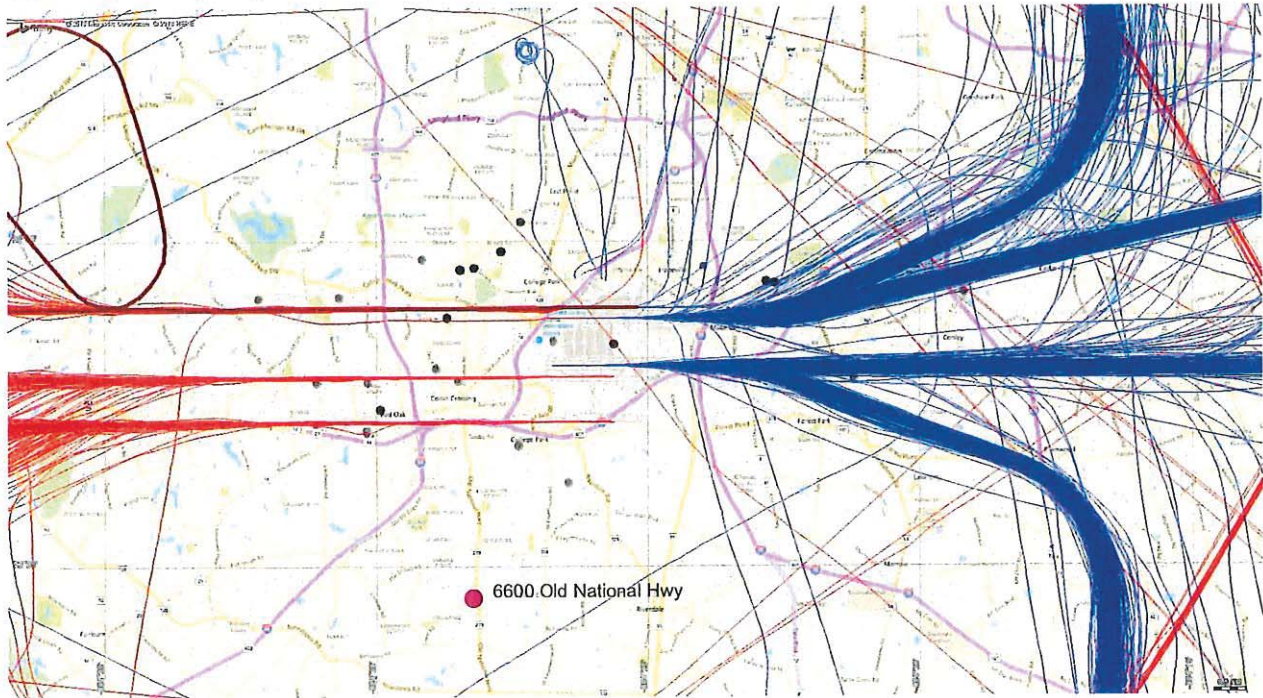
- Legend:**
 - Property:** Airport Property, Major Road, Street
 - Track ID:** Single Family Residential, Multi-Family Residential, Sound Insulated Single/Multi-Family Residential, Non-Residential Noise Sensitive Site, Non-Residential Sound Insulated Noise Sensitive Site, Historic Site
 - AEDT Noise Corridors:** Y/NL 65 dBA, Y/NL 70 dBA, Y/NL 75 dBA
 - Other:** AEDT Backbone Jet, AEDT Backbone Turboprop/Prop, AEDT Track/Corridor, AEDT Track/Corridor -Nighttime Only, AEDT Track/Corridor

Notes:
1. Non-national noise sensitive areas include places of worship, schools, senior living facilities, and hospitals. These areas are identified by the City of Atlanta Department of Aviation and International Transportation (DAIT) and are shown on the map as shaded areas.
2. The map of the Atlanta-Fulton County Stadium and the surrounding area is shown on the map as shaded areas.
3. The map of the Atlanta-Fulton County Stadium and the surrounding area is shown on the map as shaded areas.

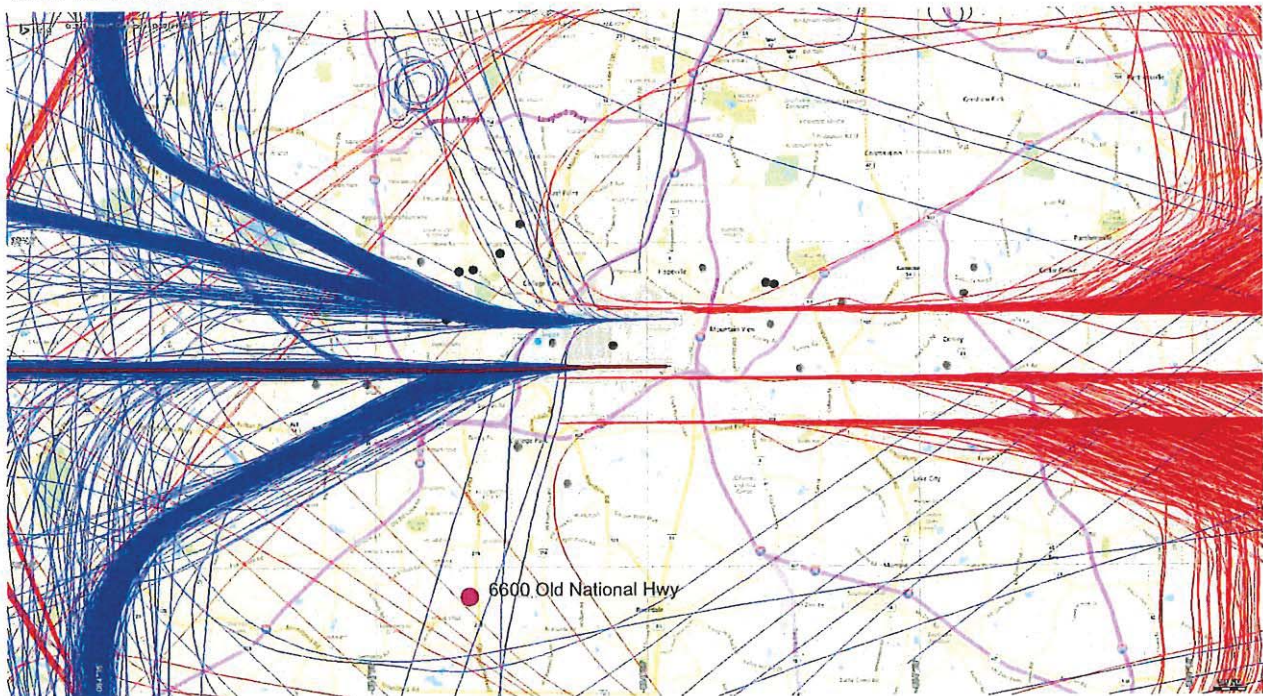
Flight Tracks - Hartsfield-Jackson Atlanta International Airport

— Arrivals
— Departures

East Flow (March 26, 2018)



West Flow (March 30, 2018)



Appendix B – Roadways



Georgia Department of Transportation

CREEL ROAD

121-8093

Site Details

Site Summary

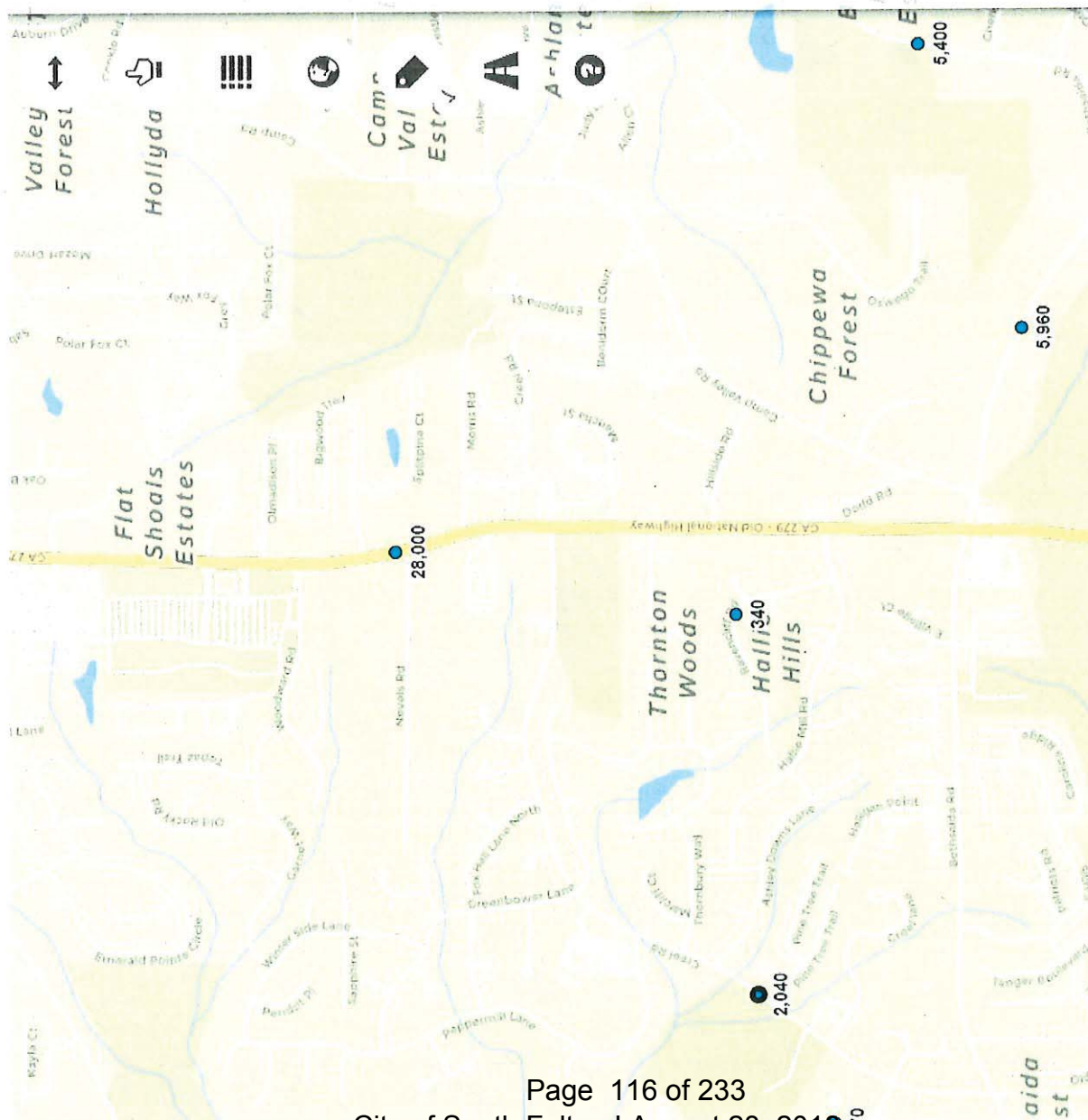
	2016	2015	2014
AADT	2,040	1,990	1,910
Single Unit AADT	-	-	-
Combo Unit AADT	-	-	-
Truck %	-	-	-

Reports



TRAFFIC ANALYSIS & DATA APPLICATION

Provided by Drakewell





121-0435 - CRX 058100 OLD NATIONAL HWY

Site Details

Site Summary

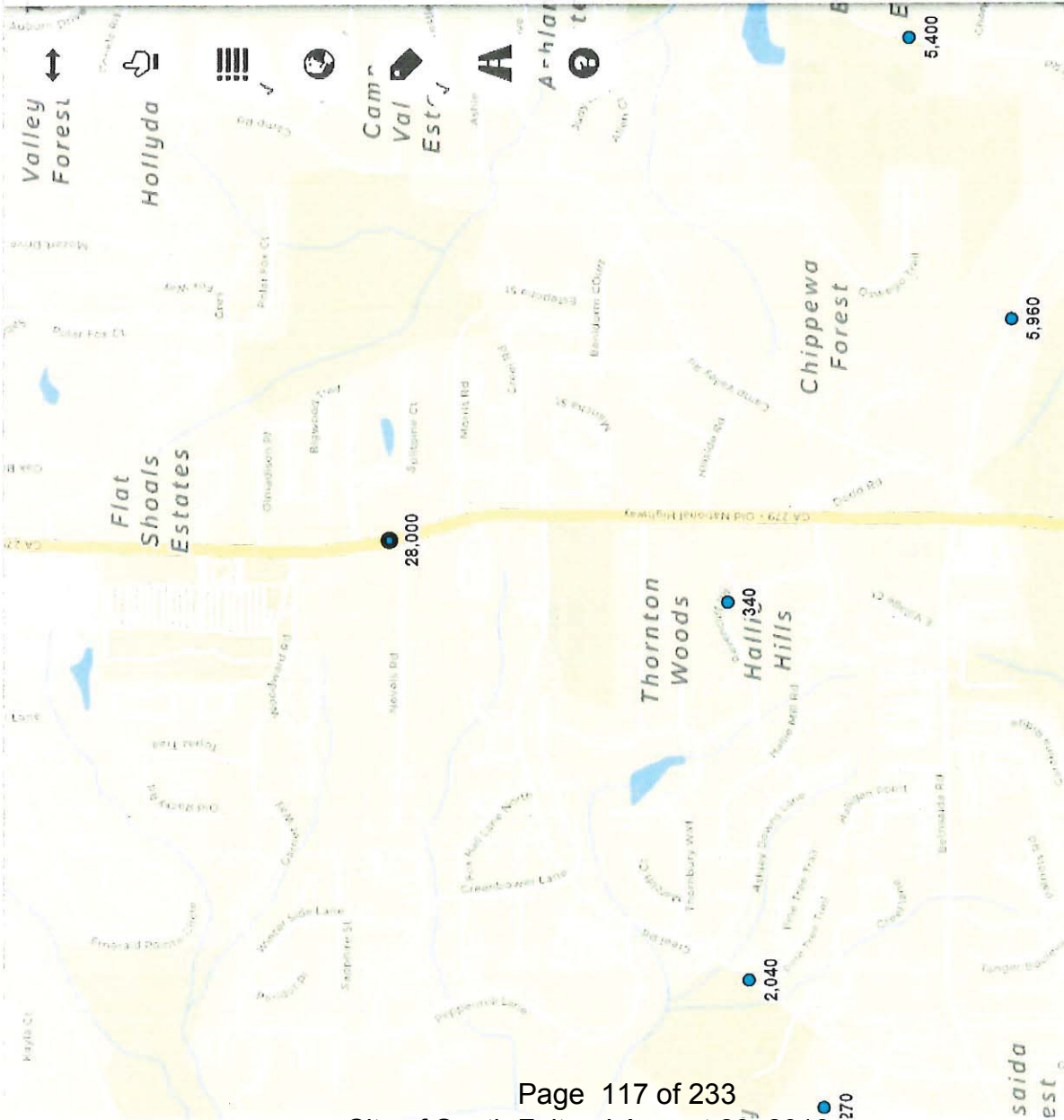
	2016	2015	2014
AADT	28,000	28,800	26,800
Single Unit AADT	646	527	527
Combo Unit AADT	65	83	83
Truck %	3%	2%	2%

Reports



TRAFFIC ANALYSIS
& DATA APPLICATION

Provided by Drakewell



SAMPLE LETTER MAILED

May 15, 2018

Mr. Clarence Jackson,
Elder Property and Grounds
New Life Presbyterian Church
6600 Old National Highway
South Fulton, Georgia 30349

Subject: Special Use Permit U18-001 at 6600 Old National Highway

Dear Property Owner:

We have submitted a Special Use Permit Application to operate the **Legacy Preparatory Christian Academy** at our Church and I am writing this letter to invite you to an Open House at New Life Presbyterian Church located at 6600 Old National Hwy.

The proposed **Legacy Preparatory Christian Academy** will be established to offer educational opportunities for students 4 – 6-years of age. The school will be housed in our existing 20000 s.f. facility located on a 9.57-acre property served by public water, sewer, gas and electric utilities. The proposed facility will only occupy a total of **1680 s.f.** consisting of an office and class rooms to serve 50 students and teachers. The operational hours will be 7:30 am to 6:00 pm daily, Monday through Friday.

We have scheduled the Open House on June 5, 2018 from 6:00 pm to 7:30 pm at the New Life Presbyterian Church located at 6600 Old National Hwy.

Thank for your time and cooperation.

We look forward to seeing you!

Sincerely yours,

Clarence Jackson,
Elder Property and Grounds
cc. Edweana Majors, School Manager and Operator



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: New Life Presbyterian Church
c/o Herbert Humphrey, P.E.

Petition No. U18-001

Date: June 5, 2018

1. The following parties were notified of the requested rezoning/use permit:

The parties shown on the attached mailing
list provided by the City of South Fulton were
notified by mail.

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

CZIM MAY 10, 2018 6:00 PM -7:30 PM ; CITY OF SOUTH FULTON CITY HALL

PUBLIC PARTICIPATION MTG. JUNE 5 , 2018 ; 6:00 PM - 7:30 PM; NEW LIFE PRESBYTERIAN
CHURCH , 6600 OLD NATIONAL HWY.

3. The following issues and concerns were expressed:

THE MEETING ATTENDEES WERE PROVIDED AN OVERVIEW OF THE CLASS ROOM
LOCATIONS, MANAGEMENT AND STAFF, HOURS OF OPERATION, AND THE
CURRICULUM FOR THE STUDENTS.

4. The applicant's response to issues and concerns was as follows:

THE APPLICANT RESPONDED TO QUESTIONS REGARDING THEIR PAST EXPERIENCE
AND INFORMED THE ATTENDEES OF THEIR 50+ YEARS OF COMBINED EXPERIENCE

5. MANAGING, OPERATING AND TEACHING SIMILAR EDUCATIONAL PROGRAMS.
Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input. SEE ATTACHMENTS.

Attach additional sheets as needed.



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: M18-005 3900 Cascade Road

DATE OF MEETING: 8/28/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Zoning4_M18-005	Cover Memo	8/22/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 28, 2018, 7:00 p.m.

4. **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: August 28, 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

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Jason Sommer 4310 Granby Way Marietta GA 30062
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 1.9 acres.
Existing Zoning:	C-1 (Community Business District) with conditions pursuant to <i>Case No. Z85-014</i>
Current/Past Use of the 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)
2035 Future Land Use Designation:	Suburban Neighborhood
Compatibility with the 2035 Comprehensive Plan:	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:

Street: Cascade Road

Classification: Minor Arterial State Road

Public Transit: MARTA Bus Routes 71 and 165 both stop directly at the subject site.

Bike/Pedestrian Access: Sidewalks are available on both sides of Cascade Rd and one side of Kimberly Rd adjacent to the site. There are no bike lanes.



CONDITION(S) TO BE MODIFIED:

Z85-014 condition 1b

Limit the height of the buildings to no more than 2 stories.

Z85-014 with Modification M07-009 condition 2a

To the owner's agreement to abide by the following:

To the site plan received by the [Fulton County] Department of Environment and Community Development on 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. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to

M18-005 for 3900 Cascade Rd
August 28, 2018
Page 3 of 5

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.

Z85-014 condition 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.

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 21 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 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

CONDITIONS: (PER PLANNING STAFF'S MEMORANDUM 4/18/85)

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and office and accessory uses provided that all new buildings shall be located within 250 feet of Cascade Road. Outdoor storage or display of wares, materials, (other than plant materials) or equipment shall not be permitted.
 - b. Limit the height of the buildings to no more than 2 stories.
 - c. No fast food restaurants, service stations or commercial amusements shall be permitted.
2. To the owner's agreement to abide by the following:
 - a. To the Site Plan received by the Zoning Department on 1/8/85 and to submit to the Director of Planning and Community Development for his approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the property, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.
 - b. To submit to the Director of Planning and Community Development for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention and the method of continuing maintenance of these facilities.
 - c. To submit to the Director of Planning and Community Development for his approval, prior to the approval of a Land Disturbance Permit, a detailed landscape plan for all required buffers and landscape strips. Said landscaping for each phase of development shall be in place within 90 days after the issuance of a Certificate of Occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final phase of the development.
 - d. To provide and maintain off-street parking on the subject property during the entire construction period.
3. To the owner's agreement to the following site development considerations:
 - a. Provide a natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated, adjacent to the following property lines and in the widths shown:

30 feet wide on the west and south property lines, with an additional setback of 10 feet for all improvements excluding existing structures.
 - b. Provide a 20 foot wide landscape strip outside of the new dedicated right-of-way of Cascade Road.
 - c. Provide a landscape strip adjacent to the following property lines in the widths shown:

30 feet wide on the east property line.
 - d. Limit the free-standing project identification signage on 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

REGULAR MEETING, APRIL 3, 1985, A.M.

height of 4 feet from finished grade measured from the base of the sign structure.

- e. No more than 1 exit/entrance on Cascade Road.
 - f. No more than 2 exit/entrances on Kimberly Road.
 - g. No roof signs are permitted.
 - h. Provide landscape islands throughout the parking areas, including a minimum 10 foot wide landscape island at the end of each parking bay and a minimum 5 foot wide landscape island for each 225 feet of continuous bay length.
4. To the owner's agreement to abide by the following requirements, dedications and improvements:
- a. Dedicate at no cost to Fulton County, prior to the approval of a Land Disturbance Permit, at least 55 feet of right-of-way from the centerline of Cascade Road, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as improve said road 26 feet from center of road to back of curb, and further to allow the necessary construction easements while the right-of-way is being improved.
 - b. Dedicate 30 feet of right-of-way from centerline of Kimberly Road at no cost to Fulton County prior to the approval of a Land Disturbance Permit the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved;
 - c. Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions as determined by the Department of Planning and Community Development.
 - d. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment are required by the Fulton County Fire Department.
 - e. Pay for the materials necessary for the construction of sidewalks along existing public roads by the Department of Planning and Community Development if they are constructed within 5 years of this approval.
 - f. Design required on-site storm water detention facilities such that they are not located within any required buffers or on required parking areas.

PETITION #Z-85-14 FC

PETITIONER: Orlando Alston

ZONING RE-CLASSIFICATION: FROM: R-3 (Residential) District

TO: C-1 (Commercial) Conditional District

DATES OF PUBLISHED NOTICE: February 5 and 12, 1985

LEGAL DESCRIPTION

ALL THAT TRACT and parcel of land lying and being in Land Lots 10 and 28 of the 14-FF District of Fulton County, Georgia, and being more particularly described as follows:

REGULAR MEETING, APRIL 3, 1985, A.M.

BEGINNING at a point and established corner located at the intersection of the southwesterly side of Cascade Road and the northwesterly side of Kimberly Drive;

running thence South $15^{\circ} 30'$ west and along the northwesterly side of Kimberly Drive a distance of 342.20 feet to a point and established corner;

running thence South $89^{\circ} 49'$ West a distance of 245.3 feet to a point and established corner;

running thence north $01^{\circ} 23'$ west a distance of 499.5 feet to a point and established corner located on the southwesterly side of Cascade Road;

running thence south $74^{\circ} 12'$ east a distance of 388.5 feet to a point and established corner located at the intersection of the southwesterly side of Cascade Road and the northwesterly side of Kimberly Drive, same being the POINT OF BEGINNING; being all as shown by that plat of survey prepared by All South Engineering and Surveying, Inc. on October 24, 1983; said plat being made a part hereof by this reference thereto.

285-14

June 25, 2018

Brianna Rindge, AICP
Senior Planner
Planning & Zoning Division
Community Development Services
City of South Fulton, Georgia
5440 Fulton Industrial Blvd., SW
Atlanta, GA 30336

Re: Letter of Intent 3900 Cascade Road, Atlanta / Parcel ID: 14F-0010-LL-032 - Modifications

Dear Ms. Rindge,

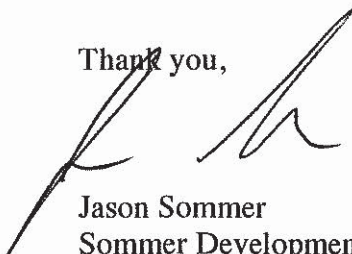
Sommer Development LLC is requesting modifications to develop a Multi-level Storage for 3900 Cascade Road:

- Modify Petition Z-85-14 (2a) to remove site plan specific requirement to allow standard C1 zoning standards.
- Modify Petition Z-85-14 (1b) to remove height specific requirement to allow standard C1 zoning standards.
- Modify Petition Z-85-14 (3d) to remove free standing signage requirements to allow standard C1 zoning standards.

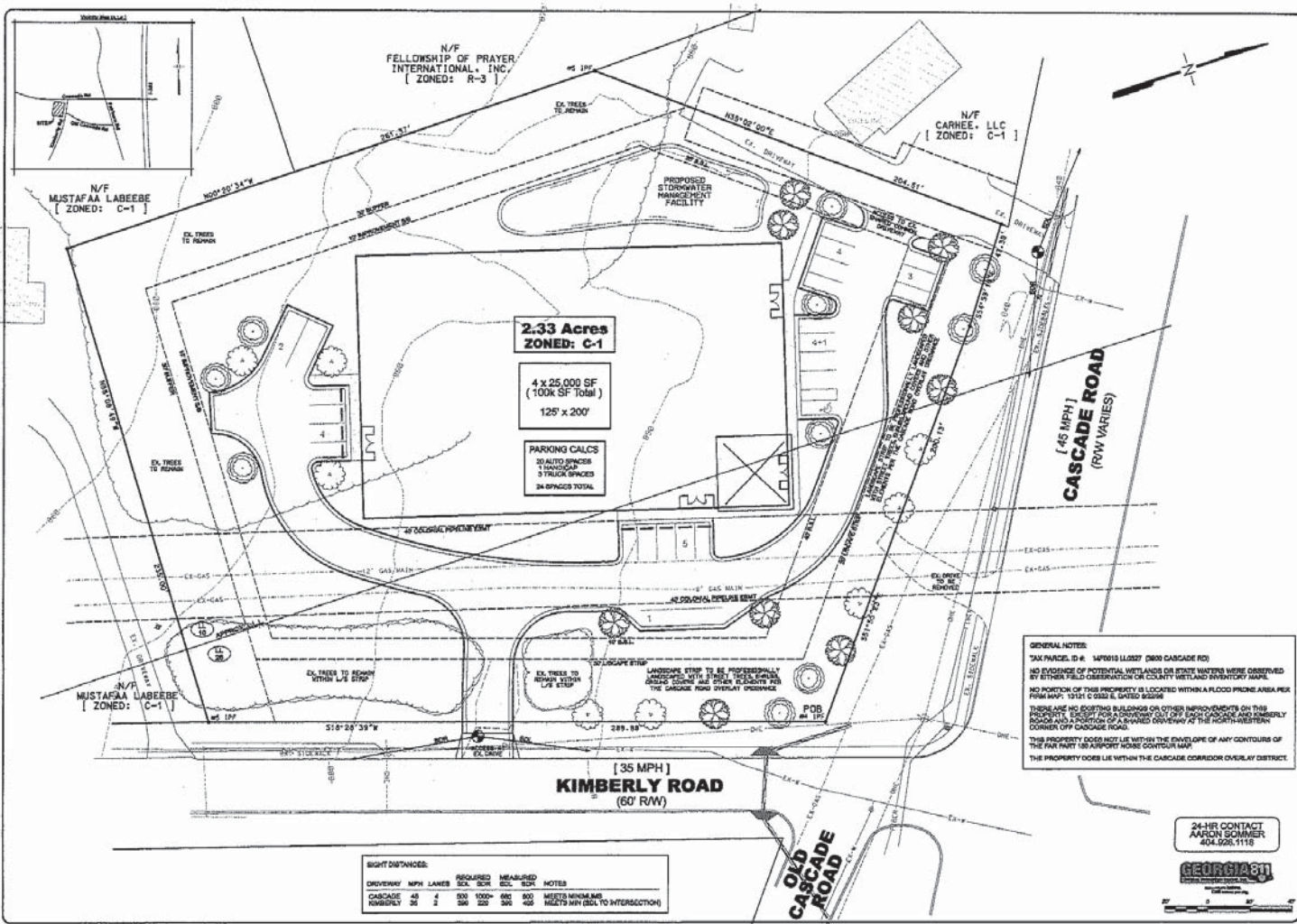
The property is currently zoned C1, in the Cascade Road overlay district. We are planning to develop one building approximately 100K sq ft of climate-controlled self-storage. The building will include approximately 700 self-storage units, an office, retail merchandising space, and a conference room.

The building will be consistent with the Cascade Overlay District building and design standards.

Thank you,



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



PREPARED BY:

VSM
 Vassilios & Melton
 Consulting Engineers, Inc.
 3000 Peachtree Dunwoody Road, Suite 300
 Atlanta, Georgia 30328
 TEL: (770) 607-4800 FAX: (770) 607-4804

VSM Contact:
 Name: Aaron Sommer
 TEL: (770) 607-4800
 KENTUCKY: 505-548-5800
 TENNESSEE: 800-648-6800
 NORTH CAROLINA: 828-253-2750
 SOUTH CAROLINA: 864-574-4775
 www.vsm-engineers.com

PREPARED FOR:

SOMMER DEVELOPMENT, LLC
 2401 Peachtree Pk.
 Suite 300
 Atlanta, GA 30328
 A/E: Aaron Sommer
 404.926.1118

3900 CASCADE ROAD

SITE PLAN

SIGNED/SEALED

[Signature]

DATE: 08/28/2018

PROJECT: 18-0000000000

SCALE: AS SHOWN

C-01

24-HR CONTACT:
 AARON SOMMER
 404.926.1118

GEORGIA 811
 Call Before You Dig
 1-800-4-A-DAWG



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: M18-005

(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development Services.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M _____

- 1) Planner who determined the type of Modification you should file: Brianna Rindge
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). 1b ; 2a ; 3d ; ; ; ; ;
- 3) Petition number of the Zoning or Use Permit to which this application applies 285-014
Current zoning district C-1
- 4) Attach a copy of Legal Description [must be metes and bounds], or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: ____/____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: _____

NOTICE: Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

VIJAY BHANDARE
TYPE OR PRINT OWNER'S NAME
5 NESBIT RESERVE CT.
ADDRESS
ALPHARETTA, GA 30022
CITY & STATE ZIP CODE
V. Bhandare
OWNER OF PROPERTY (SIGNATURE)
17701310-1405
PHONE NUMBER
V. BHANDARE@yahoo.com
EMAIL ADDRESS

Sworn to and subscribed before me this
21 day of June 2018

NOTARY PUBLIC



SECTION IV: Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

Jaxon Sommer
APPLICANT (SIGNATURE)
Jaxon Sommer
TYPE/PRINT NAME OF APPLICANT
9310 Grady Way
ADDRESS
Maricopa CA 90067
CITY & STATE ZIP CODE
678-690-0505
PHONE NUMBER
Jaxon.Sommer@gmail.com
EMAIL ADDRESS

Sworn to and subscribed before me this

21 day of June 2018

NOTARY PUBLIC



Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

SIGNATURE OF ATTORNEY/AGENT

ADDRESS

CITY & STATE ZIP CODE

PHONE NUMBER

CHECK ONE: ☐ ATTORNEY ☐ AGENT

ALL THAT TRACT and parcel of land lying and being in Land Lots 10 and 28 of the 14-FF District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING AT A POINT marked by an iron pin located at the intersection of the southerly side of Cascade Road (a/k/a Old Cascade Road) and the westerly side of Kimberly Road; running thence South $14^{\circ} 47' 00''$ West and along the westerly side of Kimberly Road a distance of 290.0 feet to a point marked by an iron pin; running thence South $84^{\circ} 44' 06''$ West a distance of 249.10 feet to a point marked by an iron pin; running thence North $01^{\circ} 00' 00''$ West a distance of 278.17 feet to a point marked by an iron pin; running thence North $39^{\circ} 12' 21''$ East a distance of 224.98 feet to a point marked by an iron pin located on the southerly side of Cascade Road; running thence South $64^{\circ} 00' 00''$ East and along the southerly side of Cascade Road a distance of 3.97 feet to a point; running thence South $50^{\circ} 50' 52''$ East and continuing along the southerly side of Cascade Road, also known as Old Cascade Road, a distance of 233.57 feet to a point marked by an iron pin located at the intersection of the southerly side of Cascade Road a/k/a Old Cascade Road and the westerly side of Kimberly Road, same being the point of beginning; being all as shown by that plat of survey prepared by Robert T. Armstrong, Registered Land Surveyor, for David P. McCabe and Heather B. McCabe dated October 10, 1988; said plat being made a part hereof by this reference thereto.

This deed is made and taken subject to that lien of security deed to Trust Company Bank of Douglas County dated February 2, 1984 and recorded in the real property records of Fulton County, Georgia, in Deed Book 8893, Page 497. The grantee herein has not assumed the indebtedness secured thereby, but said indebtedness shall remain the responsibility and obligation of the grantor herein who covenants and agrees to make all future installments thereon as same shall become due and payable.

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

Public Participation Report - 8/3/2018
Jason Sommer- 3900 Cascade Road, Atlanta, GA 30331

Report Summary

The City of South Fulton residents and business owners are overwhelmingly in support of our requests for a special use permit, modifications and variances to develop a class "a" self storage and business center at 3900 Cascade Road. The physical appearance of the building, the absence of increased traffic and congestion, the desire to clean-up the vacant lot, and the need for self storage and business services were all cited as reasons for their support.

Contact Method

The applicants used meeting notices (as prescribed by City of South Fulton), telephone calls, emails and letters to communicate to residents and business owners in the community. The Cascade Road Merchants Association and Councilwoman Rowell assisted with community notification. Formal public meetings were held on 7/24/18 at the Public Library and 8/2/18 at Chick-Fila.

Concerns and Resolutions

In April 2018, we began community meetings. See meeting log below. Concerns and resolutions were as follows:

- 1) Concern: Will this self storage facility invite crime? No, this climate controlled facility will have limited assess points, and have a professional security system including monitored surveillance cameras. 24 hour access will not be allowed. Multi-level self storage does not encourage crime. We confirmed this topic with Officer Sheila Rogers, the interim Chief of Police. Issue resolved.
- 2) Concern: Will facility create traffic? Self storage, with a business center, has very little effect on traffic. We expect to average less than 10 visitors per day. Issue resolved.
- 3) Concern: Will the new location warrant a traffic light at the intersection of Cascade and Kimberly? We addressed this concern with Bennett White, Engineer at the City of South Fulton. His office will be evaluating the need at this location. Issue resolved.

We did receive one concern from a community member who wanted a Senior Living Facility on the property. She asked us to move our self storage project to a piece of land that she owned. This concern seemed without merit.

	First Meeting Date	Name	Title	Location	Community Member (C) or Government (G)	Comments
Community Contacts						
1	4/26/18	Bobbie Powell	Cascade Road Merchants Association	Chick-Fil-A	C	Supports the project. Multiple meetings. Understand the need for the business center. Wants a business to be positively involved in the community.
2	4/26/18	Rich Wilkins	Cascade Road Merchants Association	Chick-Fil-A	C	
3	6/4/18	Vangie Watkins	Community Member	Chick-Fil-A	C	
4	6/4/18	Gwen Owens	Community Member	Chick-Fil-A	C	Supports the project. Multiple meetings. "Good use for the land."
5	6/4/18	Irene Richardson	Executive Director QLS	QLS	C	Supports the project
6	6/4/18	Dr. Winston K Carhee Jr	Doctor / Neighbor on West	Pain 2 Wellness	C	Supports the project. Quality development will improve the neighboring properties.
7	6/15/18	Robert Crummie	President Carver College	Carver College	C	Supports the project. Wants programs for youth in the area.
8	6/25/18	David Aynes	Promenade	Conference Call	C	Supports the project. Quality development will improve the neighboring properties.
9	7/3/18	Nafeesah Mustafaa	Homeowner at 1151 Kimberly Rd	3900 Cascade	C	Supports the project. Wants the parcel to be developed so no crime can occur at the property, and to create jobs. Vacant lot has attracted crime.
10	7/3/18	TJuani Bell Marks, MS	Onmi International School	Conference Call	C	Supports the project. Needs to make sure that no crime occurs near the school.
11	7/3/18	Harvey Davis	Community Member and Sandtown Community Association	Conference Call	C	Supports self storage as a transitional use between the commercial east on Cascade, and the residential west on Cascade. Would like to see a traffic signal at Kimberly. Put us in contact with Antonio Valenzuela at Fulton County transportation County transportation.
12	7/3/18	Meny Getachew	Utoy Springs Church	Conference Call	C	Supports the project. Wants to walk the property
13	7/3/18	Darryl Baillet	Colonial Pipeline Company, Right of Way Inspector	3900 Cascade	C	Supports allowing parking on the easement
14	7/10/18	Chalanda Tucker	President and CEO, Strategic Framework LLC	Cascade United Methodist Church	C	Supports the project. Wants to use conference room for her business. Will give our information to Deborah Kennedy, President of Cascade Hill Neighborhood Association
15	7/10/18	Melford McRae	M13Creative Media	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
16	7/10/18	DJ McRae	M13Creative Media	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
17	7/10/18	Max Anderson	Cascade Road Merchants Association	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
18	7/10/18	Joel Athy	Cascade Road Merchants Association	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
19	7/12/18	Shetia Kelty	Community Member	CZIM	C	Attended CZIM
20	7/12/18	Reginald Tatum	Community Member	CZIM	C	Attended CZIM
21	7/12/18	Lois Hines	Community Member	CZIM	C	Attended CZIM
22	7/12/18	Wafie D Alexander	Community Member	CZIM	C	Attended CZIM
23	7/12/18	Chad Regans	Community Member	CZIM	C	Attended CZIM
24	7/12/18	Dr Delson Adeoye	Community Member	CZIM	C	Attended CZIM
25	7/12/18	Linda Allen	Community Member	CZIM	C	Wants more senior homes in the area
26	7/12/18	Glenda Collins	Community Member	CZIM	C	Attended CZIM
27	7/12/18	Juliette A Rankins	Community Member	CZIM	C	Attended CZIM
28	7/12/18	Storm Mitchell	Community Member	CZIM	C	Attended CZIM
29	7/12/18	Lamont Bynum	Community Member / Bynum Design	CZIM	C	Supports project. Needs climate control storage in close proximity to store.
30	7/12/18	Cathy Tyler	Community Member	CZIM	C	Attended CZIM
31	7/12/18	Michael Venable	Old National Alliance	CZIM	C	Support project. Very familiar with Neighborhood Self Storage at Old National Highway.

32	7/12/18	Doug Gray	Community Member	Cascade United Methodist Church	C	Supports the project. Wants white table cloth restaurants. Understands the business needs in the community.
33	7/12/18	John Perlman	Developer	Cascade United Methodist Church	C	Supports the project. Understands the business needs in the community.
34	7/24/18	Sterling Elder	Community Member	Fulton County Library	C	Supports the project
35	7/24/18	Michael Hickman	Community Member	Fulton County Library	C	Supports the project
36	7/24/18	Stephen Davis	Community Member / Hock Market	3900 Cascade	C	Supports the project. Walked through the entire site.
37	8/2/18	Corlis Claire	Community Member	Chick-Fil-A	C	Communicated project via email.
38	8/2/18	Gwen Cummings	Community Member	Chick-Fil-A	C	Communicated project via email.
39	8/2/18	Reggie Tatum	Community Member	Chick-Fil-A	C	Communicated project via email.
41	8/2/18	Lamont Carr	Community Member	Chick-Fil-A	C	Communicated project via email.
42	8/2/18	Art Geter	Community Member	Chick-Fil-A	C	Communicated project via email.
Government Contacts						
1	4/26/18	Dana Gray	City of South Fulton Planner	City Hall	G	Supportive and helpful at development meetings. Multiple meetings
2	4/26/18	Shayla Reed	City of South Fulton Interim Director of Planning	City Hall	G	Approved building next to the pipeline easement if three pre-requisites are met: 1) engineer-certified approval; 2) notarized pipeline approval or communication; and 3) Fire Marshall approval.
3	5/16/18	Councilwoman Catherine Row	City of South Fulton Councilwoman District 1	Chick-Fil-A	G	Understands the need in the community, and wants a quality project
4	5/24/18	Mayor Bill Edwards	City of South Fulton Mayor	City Hall	G	Project needs to comply with the Cascade Road Overlay District. Wants the same quality as Neighborhood Self Storage at Old National Highway.
5	5/24/18	Deloris Baskin	City of South Fulton Mayor's Assistant	City Hall	G	Familiar with quality at Neighborhood Self Storage at Old National
6	6/12/18	Brianna Rindge	Senior Planner	City Hall	G	Supportive and helpful at development meetings
7	6/12/18	Bennett White	City Engineer	City Hall	G	Supportive and helpful at development meetings
8	6/12/18	Lt. Martin Salamanca	City Engineer	City Hall	G	Supportive and helpful at development meetings
9	7/10/18	Sheila Rogers	Interim Chief of Police	Cascade United Methodist Church	G	Supports project. Secure project will help deter crime.
10	7/11/18	Antonio Valenzuela	Transportation Planning Administrator, Fulton County of Public Works Department.	Conference Call	G	A recommendation from City of South Fulton for adding a traffic light, or not, will be sent to Mr. Valenzuela for review.
Filing 6/26 : City of Fulton						
		Description			Notes	
Use Permit		Self Storage Multi Level			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove site plan specific requirement to			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove height specific requirement to			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove free standing signage			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Variance		Variance to allow a minimum of 2 spaces per 5,000 sq feet			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Variance		Variance to allow to build a structure adjacent to the Colonial Pipeline			Will be consistent w/ C1 Zoning and the Cascade Overlay District	

From: jason sommer
To: [Brianna Rindge](#)
Cc: [Aaron Sommer](#); [Dana Gray](#)
Subject: Re: 3900 Cascade Rd: Public Participation Report
Date: Monday, August 6, 2018 9:29:46 AM
Attachments: [image003.png](#)
[image004.png](#)
[image004.png](#)

Hi Brianna-

3 people attended the 1st meeting, and 2 attended the 2nd (although only 1 signed in). I assume that the poor turnout was due to the fact that most of the active community members and immediate neighbors in the Cascade community have already been presented the project. We started meeting with the community in April, and I have personally met with 40+ members of the community face to face. Also, I know that many of the neighborhood associations have broadcast the images, and project details to their members.

I can't find anyone else in the community who wants to discuss the project. Any ideas?

Thanks,
Jason

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



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: V18-005 Variance at 3900 Cascade Rd

DATE OF MEETING: 8/28/2018

DEPARTMENT: Planning

ATTACHMENTS:

Description	Type	Upload Date
Zoning5_V18-005	Cover Memo	8/22/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, August 28, 2018, 7:00 p.m.

5. **V18-005: Public hearing** for a **concurrent variance** request to reduce the minimum parking space requirement and for relief from *34.5.10.D* at 3900 Cascade Rd

8/15/2018

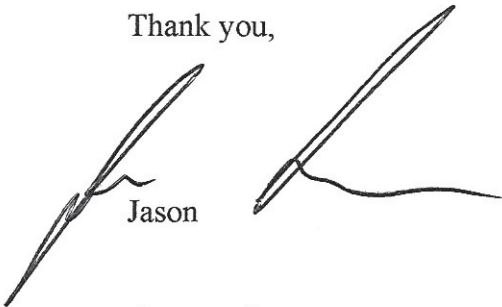
Dear Brianna-

Thank you for the call today.

Based on the conditions set forth in Ms. Shayla Reed's note dated 6/26, there is no need for our variance to allow "to build a structure adjacent to the Colonial Pipeline easement." Please remove our request for this specific variance. We plan on receiving the specific approvals outlined by Ms. Reed.

I am excited to hear that the staff report looks favorable on our permit request, modifications and parking variance. We will continue to partner with staff to develop a successful project in the City of South Fulton.

Thank you,

A handwritten signature in black ink, appearing to read 'Jason Sommer', with a stylized flourish extending from the end.

Jason

Jason Sommer
Sommer Development LLC
4310 Granby Way
Marietta, GA 30062
(678) 640-0505
jasontsommer@gmail.com

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: **Concurrent Variance V18-005 for 3900 Cascade Road**
DATE: August 28, 2018

The applicant seeks the following concurrent variances:

- I. Variance request from **Section 18.2.1** to reduce the required number of parking spaces from 1 per 2,000 square feet to 1 per 5,000 square feet; and
- II. Variance request from **Section 34.5.10.D** which restricts building above a Restricted Pipeline Area (outside the gas easement).

8/15/2018: Applicant requested withdrawal of variance request II

STAFF RECOMMENDATION:

- **Approval of variance request I**
- **Acceptance of the withdrawal request of variance request II**

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Jason Sommer 4310 Granby Way Marietta GA 30062
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 1.9 acres.
Existing Zoning:	C-1 (Community Business District) with conditions pursuant to <i>Case No. Z85-014</i>
Current/Past Use of the 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

SPECIFIC INFORMATION

ORIGINAL REQUEST

- I. Variance request from **Section 18.2.1** to reduce the required number of parking spaces from 1 per 2,000 square feet to 1 per 5,000 square feet;
- II. Variance request from **Section 34.5.10.D** which restricts building above a Restricted Pipeline Area (outside the gas easement)

The applicant submitted a modification request (*M18-005*) with which these variance requests will be heard concurrently. The applicant also submitted use permit request for multi-level self-storage (*U18-003*) which is scheduled for public hearing by Planning Commission on August 21, 2018 and by Mayor & Council on September 25, 2018.

BACKGROUND

The subject property is currently undeveloped and was rezoned to C-1 (Community Business District) by Fulton County in 1985.

ADJACENT ZONING AND LAND USES

The property to the north across Cascade Rd is zoned O-I and contains an office building with several tenants. The property to the east across Kimberly Rd is zoned R-3 (Single-Family Dwelling District) and contains a church and an associated school. The adjacent property to the south contains a single-family home, nonconforming with current code which zones the property as O-I (Office and Institutional District). The adjacent property to the west is zoned C-1 (Community Business) and R-3 (Single-Family Dwelling District) and contains another church with an associated school.



APPLICABLE CODE REQUIREMENTS

18.2.1 Basic Off-Street Parking Requirements. Parking requirements shall be calculated based on the proportion that each use contributes to the total. All areas are expressed in gross square feet of building area unless ground area or some other measure is specified. Any fraction of one-half or larger shall constitute a whole. A bench seat shall consist of 18 inches.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
Warehousing and Storage	commercial storage distribution centers	one per 2000 sq. ft.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist Mayor & Council in considering the application and its merits. These considerations include:

- (i) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the *Zoning Resolution*; or,
- (ii) The application of the particular provision of the *Zoning Resolution* to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,
- (iii) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

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 21 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 to learn more about the project.

STAFF COMMENTS

Engineering: None related to variance request I

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 parking reduction.
- In order to prevent avoidable impacts of the Restricted Pipeline Area, this department recommends that the pipeline owner and/or an appropriate expert is consulted to determine whether or not the proposed building will interfere with emergency response, maintenance, inspection, and/or repair activities.

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

STAFF RECOMMENDATION

Variance request I seeks to vary from *Section 18.2.1* which requires that “warehousing and storage” uses provide 1 parking space for every 2,000 square feet of building. **This is the closest use to self-storage provided within the table in Section 18.2.1; the Fulton County Zoning Resolution does not provide a parking requirement specifically for self-storage use.** Thus, the parking requirement is based on industrial warehousing operations, which yields a minimum requirement of 50 parking spaces for the proposed 100,000-square-foot building. The applicant proposes 24 spaces, leaving a deficit of 26 spaces. The table below details the minimum parking requirements for self-storage uses set forth by adjacent jurisdictions. The applicant proposes approximately 700 units with a maximum of 3 employees working at one time.

Agency	Minimum Parking Requirement for Self-Storage	Minimum Parking Required for Proposed Project Compared to South Fulton (SF)/Fulton County (FC)	Surplus/Deficit Relative to Proposal (24 spaces)
City of Atlanta	1 space per 50 units + 1 space per employee at a time	17 (33 less than SF/FC)	7-space surplus
City of Hapeville	1 space per 40 units + 1 space per employee at a time	21 (29 less than SF/FC)	3-space surplus
City of Fairburn	1 space per 5,000 square feet of gross storage area + 1 space per employee	23 (27 less than SF/FC)	1-space surplus
City of Chattahoochee Hills	No minimum; only provides a maximum	0 (50 less than SF/FC)	24-space surplus
Cobb County	5 spaces (<i>regardless of square footage</i>)	5 (45 less than SF/FC)	19-space surplus
Douglas County	80% of 0.5 spaces per 1,000 gross square footage	40 (10 less than SF/FC)	16-space deficit

Fayette County	1 space per 75 storage bays + 1 space per employee + 2 customer spaces	14 (36 less than SF/FC)	9-space surplus
Clayton County	1 per 20 storage units + 2 for manager's residence	37 (13 less than SF/FC)	13-space deficit
South Fulton / Fulton County	1 space per 2,000 square feet (NOT SPECIFIC TO SELF-STORAGE)	50	26-space deficit

The Cities of College Park, East Point, & Union City do not provide parking requirements specific to self-storage. Data compiled August 2, 2018.

Only 2 of the 8 compared agencies require more parking than the applicant proposes, and 0 of the 8 agencies require as many parking spaces as Fulton County's code. Douglas County in fact imposes a maximum parking requirement of 0.5 spaces per 1,000 gross square footage, resulting in a maximum parking requirement of 50 spaces for the proposed project, meanwhile Fulton County code requires a minimum of 50 spaces. Chattahoochee Hills also imposes a maximum. The 8 comparative agencies require an average of 20 spaces for this proposal.

The proposed building with a 25,000-square-foot footprint currently occupies 30.2% of the subject parcel and the remainder of the property is utilized for required stormwater detention, trees, landscape strips, and buffers. The property is zoned C-1 (Community Business District) which has no maximum impervious lot coverage. Thus, the applicant could potentially stripe approximately 10 additional spaces on the property, but at the detriment of greenspace.

The applicant indicates that their existing business of the same nature but slightly bigger size (102,000 square feet), within South Fulton District 7, utilizes no more than 10 parking spaces at a time.

Based upon the findings and conclusions herein, Staff recommends **APPROVAL of variance request I** to reduce the required number of parking spaces from 1 per 2,000 square feet to 1 per 5,000 square feet.

Staff recommends **ACCEPTANCE OF THE WITHDRAWAL REQUEST of variance request II**.

REVIEWED BY:
Brianna Rindge, AICP

June 25, 2018

Brianna Rindge, AICP
Senior Planner
Planning & Zoning Division
Community Development Services
City of South Fulton, Georgia
5440 Fulton Industrial Blvd SW,
Atlanta, GA 30336

Re: Letter of Appeal 3900 Cascade Road, Atlanta / Parcel ID: 14F-0010-LL-032 – Variances

Dear Ms. Rindge,

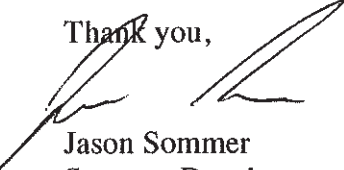
Sommer Development LLC is requesting variances to develop a Multi-level Storage for 3900 Cascade Road:

- Variance to allow a minimum of 1 space per 5,000 sq feet. This would allow 20 total spaces for our project. 20 parking spaces are more than adequate for the expected customer traffic. The current zoning would mandate 100 spaces which is would impede upon setbacks and landscape areas. At our 102,000 sq foot storage facility that we own in City of South Fulton, District 7, we have never used more than 10 spaces at any given time.
- Variance to allow to build a structure adjacent to the Colonial Pipeline easement. Director determination required. The current zoning mandates a director determination to build a structure anywhere on the property (within 300 feet of the easement).

The property is currently zoned C1, in the Cascade Road overlay district. We are planning to develop one building approximately 100K sq ft of climate-controlled self-storage. The building will include approximately 700 self-storage units, an office, retail merchandising space and a conference room.

The building will be consistent with the Cascade Overlay District building and design standards.

Thank you,



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



COMMUNITY DEVELOPMENT SERVICES
CITY OF SOUTH FULTON GOVERNMENT SERVICE CENTER
5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GEORGIA 30336
(470) 809-7200
www.cityofsouthfultonga.gov

VARIANCE APPLICATION

DATE 6/25/18

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPE IN SECTION I OR II.

SECTION I VARIANCES REQUIRING PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

- ☒ 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Resolution and other City Ordinances
- ☐ 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the Fulton County Zoning Resolution (Article 22.3), or relief from Minor, Administrative, or Administrative Minor requests
- ☐ 3) **BUILDING CODE VARIANCE:** Seeks relief from building construction designs that conflict with the City of South Fulton Building Code.

SECTION II MINOR, ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES [NO PUBLIC HEARING IS REQUIRED]

- ☐ 1) **MINOR VARIANCE:** Relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)
- ☒ 2) **ADMINISTRATIVE VARIANCE:** Relief from the requirements of Article XXXIV, Development Regulations and other Development Standards of the Zoning Resolution
- ☐ 3) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

DESCRIPTION OF VARIANCE REQUESTED:

Allow a minimum of 1 parking space per 5,000 sq feet
Allow to build a structure adjacent to the Colonial Pipeline Basement

SECTION III LEGAL DESCRIPTION OF PROPERTY (Legal description/survey must match submitted site plan.)

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____
LAND LOT(S): _____ DISTRICT: _____ TAX ID: _____
PROPERTY ADDRESS _____ LEGAL ROAD FRONTAGE _____

SECTION IV

A. OWNER INFORMATION

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

VIJAY BHANDARS
TYPE OR PRINT OWNER'S NAME
5 NESBIT RESERVE CT
ADDRESS
ALPHARETTA, GA.
CITY, STATE & ZIP CODE
30022
OWNER'S SIGNATURE
(770) 310-1405
AREA CODE/ PHONE NUMBER
VJBHANDARS@YAHOO.COM
EMAIL ADDRESS

Sworn to and subscribed before me this 21 day of

June 20 18
[Signature]
NOTARY PUBLIC



B. APPLICANT INFORMATION

A notarized authorized applicant signature is required if applicant has owner's power of attorney.

Jason Sommer
TYPE OR PRINT APPLICANT'S NAME
4310 Granby Way
ADDRESS
Marietta, GA 30062
CITY, STATE & ZIP CODE
[Signature]
APPLICANT'S SIGNATURE
(678) 640-0505
OWNER'S SIGNATURE
AREA CODE/ PHONE NUMBER
Jason.sommer@gmail.com
EMAIL ADDRESS

Sworn to and subscribed before me this 21 day of

June 20 18
[Signature]
NOTARY PUBLIC



C. ATTORNEY/AGENT INFORMATION

CHECK ONE: ☐ ATTORNEY ☐ AGENT

TYPE OR PRINT ATTORNEY/AGENT NAME

ADDRESS

CITY, STATE & ZIP CODE

[]
AREA CODE/PHONE NUMBER

SIGNATURE OF ATTORNEY/AGENT

EMAIL ADDRESS

ALL THAT TRACT and parcel of land lying and being in Land Lots 10 and 28 of the 14-PF District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING AT A POINT marked by an iron pin located at the intersection of the southerly side of Cascade Road (a/k/a Old Cascade Road) and the westerly side of Kimberly Road; running thence South $14^{\circ} 47' 00''$ West and along the westerly side of Kimberly Road a distance of 290.0 feet to a point marked by an iron pin; running thence South $84^{\circ} 44' 06''$ West a distance of 249.10 feet to a point marked by an iron pin; running thence North $01^{\circ} 00' 00''$ West a distance of 278.17 feet to a point marked by an iron pin; running thence North $39^{\circ} 12' 21''$ East a distance of 224.98 feet to a point marked by an iron pin located on the southerly side of Cascade Road; running thence South $64^{\circ} 00' 00''$ East and along the southerly side of Cascade Road a distance of 3.97 feet to a point; running thence South $50^{\circ} 50' 52''$ East and continuing along the southerly side of Cascade Road, also known as Old Cascade Road, a distance of 233.57 feet to a point marked by an iron pin located at the intersection of the southerly side of Cascade Road a/k/a Old Cascade Road and the westerly side of Kimberly Road, same being the point of beginning; being all as shown by that plat of survey prepared by Robert T. Armstrong, Registered Land Surveyor, for David P. McCabe and Heather B. McCabe dated October 10, 1988; said plat being made a part hereof by this reference thereto.

This deed is made and taken subject to that lien of security deed to Trust Company Bank of Douglas County dated February 2, 1984 and recorded in the real property records of Fulton County, Georgia, in Deed Book 8893, Page 497. The grantee herein has not assumed the indebtedness secured thereby, but said indebtedness shall remain the responsibility and obligation of the grantor herein who covenants and agrees to make all future installments thereon as same shall become due and payable.

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

Public Participation Report - 8/3/2018
Jason Sommer- 3900 Cascade Road, Atlanta, GA 30331

Report Summary

The City of South Fulton residents and business owners are overwhelmingly in support of our requests for a special use permit, modifications and variances to develop a class "a" self storage and business center at 3900 Cascade Road. The physical appearance of the building, the absence of increased traffic and congestion, the desire to clean-up the vacant lot, and the need for self storage and business services were all cited as reasons for their support.

Contact Method

The applicants used meeting notices (as prescribed by City of South Fulton), telephone calls, emails and letters to communicate to residents and business owners in the community. The Cascade Road Merchants Association and Councilwoman Rowell assisted with community notification. Formal public meetings were held on 7/24/18 at the Public Library and 8/2/18 at Chick-Fila.

Concerns and Resolutions

In April 2018, we began community meetings. See meeting log below. Concerns and resolutions were as follows:

- 1) Concern: Will this self storage facility invite crime? No, this climate controlled facility will have limited assess points, and have a professional security system including monitored surveillance cameras. 24 hour access will not be allowed. Multi-level self storage does not encourage crime. We confirmed this topic with Officer Sheila Rogers, the interim Chief of Police. Issue resolved.
- 2) Concern: Will facility create traffic? Self storage, with a business center, has very little effect on traffic. We expect to average less than 10 visitors per day. Issue resolved.
- 3) Concern: Will the new location warrant a traffic light at the intersection of Cascade and Kimberly? We addressed this concern with Bennett White, Engineer at the City of South Fulton. His office will be evaluating the need at this location. Issue resolved.

We did receive one concern from a community member who wanted a Senior Living Facility on the property. She asked us to move our self storage project to a piece of land that she owned. This concern seemed without merit.

	First Meeting Date	Name	Title	Location	Community Member (C) or Government (G)	Comments
Community Contacts						
1	4/26/18	Bobbie Powell	Cascade Road Merchants Association	Chick-Fil-A	C	Supports the project. Multiple meetings. Understand the need for the business center. Wants a business to be positively involved in the community.
2	4/26/18	Rich Wilkins	Cascade Road Merchants Association	Chick-Fil-A	C	
3	6/4/18	Vangie Watkins	Community Member	Chick-Fil-A	C	
4	6/4/18	Gwen Owens	Community Member	Chick-Fil-A	C	Supports the project. Multiple meetings. "Good use for the land."
5	6/4/18	Irene Richardson	Executive Director QLS	QLS	C	Supports the project
6	6/4/18	Dr. Winston K Carhee Jr	Doctor / Neighbor on West	Pain 2 Wellness	C	Supports the project. Quality development will improve the neighboring properties.
7	6/15/18	Robert Crummie	President Carver College	Carver College	C	Supports the project. Wants programs for youth in the area.
8	6/25/18	David Aynes	Promenade	Conference Call	C	Supports the project. Quality development will improve the neighboring properties.
9	7/3/18	Nafeesah Mustafaa	Homeowner at 1151 Kimberly Rd	3900 Cascade	C	Supports the project. Wants the parcel to be developed so no crime can occur at the property, and to create jobs. Vacant lot has attracted crime.
10	7/3/18	TJuani Bell Marks, MS	Onmi International School	Conference Call	C	Supports the project. Needs to make sure that no crime occurs near the school.
11	7/3/18	Harvey Davis	Community Member and Sandtown Community Association	Conference Call	C	Supports self storage as a transitional use between the commercial east on Cascade, and the residential west on Cascade. Would like to see a traffic signal at Kimberly. Put us in contact with Antonio Valenzuela at Fulton County transportation County transportation.
12	7/3/18	Meny Getachew	Utoy Springs Church	Conference Call	C	Supports the project. Wants to walk the property
13	7/3/18	Darryl Baillet	Colonial Pipeline Company, Right of Way Inspector	3900 Cascade	C	Supports allowing parking on the easement
14	7/10/18	Chalanda Tucker	President and CEO, Strategic Framework LLC	Cascade United Methodist Church	C	Supports the project. Wants to use conference room for her business. Will give our information to Deborah Kennedy, President of Cascade Hill Neighborhood Association
15	7/10/18	Melford McRae	M13Creative Media	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
16	7/10/18	DJ McRae	M13Creative Media	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
17	7/10/18	Max Anderson	Cascade Road Merchants Association	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
18	7/10/18	Joel Athy	Cascade Road Merchants Association	Cascade United Methodist Church	C	Very supportive of the project. Smart growth on Cascade.
19	7/12/18	Shetia Kelty	Community Member	CZIM	C	Attended CZIM
20	7/12/18	Reginald Tatum	Community Member	CZIM	C	Attended CZIM
21	7/12/18	Lois Hines	Community Member	CZIM	C	Attended CZIM
22	7/12/18	Wafie D Alexander	Community Member	CZIM	C	Attended CZIM
23	7/12/18	Chad Regans	Community Member	CZIM	C	Attended CZIM
24	7/12/18	Dr Delson Adeoye	Community Member	CZIM	C	Attended CZIM
25	7/12/18	Linda Allen	Community Member	CZIM	C	Wants more senior homes in the area
26	7/12/18	Glenda Collins	Community Member	CZIM	C	Attended CZIM
27	7/12/18	Juliette A Rankins	Community Member	CZIM	C	Attended CZIM
28	7/12/18	Storm Mitchell	Community Member	CZIM	C	Attended CZIM
29	7/12/18	Lamont Bynum	Community Member / Bynum Design	CZIM	C	Supports project. Needs climate control storage in close proximity to store.
30	7/12/18	Cathy Tyler	Community Member	CZIM	C	Attended CZIM
31	7/12/18	Michael Venable	Old National Alliance	CZIM	C	Support project. Very familiar with Neighborhood Self Storage at Old National Highway.

32	7/12/18	Doug Gray	Community Member	Cascade United Methodist Church	C	Supports the project. Wants white table cloth restaurants. Understands the business needs in the community.
33	7/12/18	John Perlman	Developer	Cascade United Methodist Church	C	Supports the project. Understands the business needs in the community.
34	7/24/18	Sterling Elder	Community Member	Fulton County Library	C	Supports the project
35	7/24/18	Michael Hickman	Community Member	Fulton County Library	C	Supports the project
36	7/24/18	Stephen Davis	Community Member / Hock Market	3900 Cascade	C	Supports the project. Walked through the entire site.
37	8/2/18	Corlis Claire	Community Member	Chick-Fil-A	C	Communicated project via email.
38	8/2/18	Gwen Cummings	Community Member	Chick-Fil-A	C	Communicated project via email.
39	8/2/18	Reggie Tatum	Community Member	Chick-Fil-A	C	Communicated project via email.
41	8/2/18	Lamont Carr	Community Member	Chick-Fil-A	C	Communicated project via email.
42	8/2/18	Art Geter	Community Member	Chick-Fil-A	C	Communicated project via email.
Government Contacts						
1	4/26/18	Dana Gray	City of South Fulton Planner	City Hall	G	Supportive and helpful at development meetings. Multiple meetings
2	4/26/18	Shayla Reed	City of South Fulton Interim Director of Planning	City Hall	G	Approved building next to the pipeline easement if three pre-requisites are met: 1) engineer-certified approval; 2) notarized pipeline approval or communication; and 3) Fire Marshall approval.
3	5/16/18	Councilwoman Catherine Row	City of South Fulton Councilwoman District 1	Chick-Fil-A	G	Understands the need in the community, and wants a quality project
4	5/24/18	Mayor Bill Edwards	City of South Fulton Mayor	City Hall	G	Project needs to comply with the Cascade Road Overlay District. Wants the same quality as Neighborhood Self Storage at Old National Highway.
5	5/24/18	Deloris Baskin	City of South Fulton Mayor's Assistant	City Hall	G	Familiar with quality at Neighborhood Self Storage at Old National
6	6/12/18	Brianna Rindge	Senior Planner	City Hall	G	Supportive and helpful at development meetings
7	6/12/18	Bennett White	City Engineer	City Hall	G	Supportive and helpful at development meetings
8	6/12/18	Lt. Martin Salamanca	City Engineer	City Hall	G	Supportive and helpful at development meetings
9	7/10/18	Sheila Rogers	Interim Chief of Police	Cascade United Methodist Church	G	Supports project. Secure project will help deter crime.
10	7/11/18	Antonio Valenzuela	Transportation Planning Administrator, Fulton County of Public Works Department.	Conference Call	G	A recommendation from City of South Fulton for adding a traffic light, or not, will be sent to Mr. Valenzuela for review.
Filing 6/26 : City of Fulton						
		Description			Notes	
Use Permit		Self Storage Multi Level			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove site plan specific requirement to			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove height specific requirement to			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Modification		Modify Petition Z-85-14 to remove free standing signage			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Variance		Variance to allow a minimum of 2 spaces per 5,000 sq feet			Will be consistent w/ C1 Zoning and the Cascade Overlay District	
Variance		Variance to allow to build a structure adjacent to the Colonial Pipeline			Will be consistent w/ C1 Zoning and the Cascade Overlay District	

From: jason sommer
To: [Brianna Rindge](#)
Cc: [Aaron Sommer](#); [Dana Gray](#)
Subject: Re: 3900 Cascade Rd: Public Participation Report
Date: Monday, August 6, 2018 9:29:46 AM
Attachments: [image003.png](#)
[image004.png](#)
[image004.png](#)

Hi Brianna-

3 people attended the 1st meeting, and 2 attended the 2nd (although only 1 signed in). I assume that the poor turnout was due to the fact that most of the active community members and immediate neighbors in the Cascade community have already been presented the project. We started meeting with the community in April, and I have personally met with 40+ members of the community face to face. Also, I know that many of the neighborhood associations have broadcast the images, and project details to their members.

I can't find anyone else in the community who wants to discuss the project. Any ideas?

Thanks,
Jason

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



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-047 Election Day Holiday

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-047 Election Day Holiday	Cover Memo	8/22/2018

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION No. 2018-047

**A RESOLUTION TO AMEND THE CITY'S HOLIDAY SCHEDULE TO
RECOGNIZE ELECTION DAY AS AN ANNUAL, OFFICIAL CITY HOLIDAY AND FOR
OTHER LAWFUL PURPOSES**

(Sponsored by Councilman khalid)

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

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

WHEREAS, the City seeks to increase voter participation by fostering a "culture of voting;"

WHEREAS, the City wishes to promote opportunities for resident voters to engage in the democratic process and compensate staff for participation in the Saturday Electoral College event;

WHEREAS, a 2014 Pew Research Study found that non-voters are typically younger voters, more racially diverse, less educated and more financially strapped, and 2010 United States Census Data show City residents reflect these demographics;

WHEREAS, Election Day is already a holiday in Puerto Rico in presidential election years, and throughout the late 20th century, turnout for Puerto Rico's quadrennial elections was 50 percent higher than it was for presidential contests in the United States;

WHEREAS, voter turnout in the United States is among the lowest in the world, and voter turnout in Georgia is among the lowest in the United States;

WHEREAS, the City holds elections every November, for state and federal offices in even-numbered years, and City Council in odd-numbered years; and

WHEREAS, the City desires to safeguard and promote the public health, safety, and general welfare of all citizens through the adoption of this Resolution.

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON
HEREBY RESOLVES** as follows:

Section 1.

1. **Observation of Holiday.** The first Tuesday after the first Monday in November is hereby declared “Election Day” in the City and shall be observed annually as an official paid holiday. City employees who are mission critical to Election Day will be offered flex time for the hours they work on Election Day.
2. **Local, State and Federal Encouragement.** The City Council hereby encourages:
 - a. Business owners in the City to give their employees sufficient time on Election Day to research election issues and participate in voting and volunteering;
 - a. Georgia municipal, county and school board leaders to enact Election Day resolutions for their employees and students;
 - b. State and Federal Leaders to adopt resolutions making Election Day an official holiday;
 - c. Voters to voice their concern for low voter turnout and become actively involved in the promotion and/or facilitation of Election Day voting.

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

- (a) All sections, paragraphs, sentences, clauses and phrases of this 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 the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 5. ***Instruction to City Clerk:*** The City Clerk is hereby directed to circulate a copy of this Resolution to all City employees, staff and officials.

The foregoing **RESOLUTION No. 2018-047**, 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, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-050 State Human Trafficking Notice Requirements

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-050 Human Trafficking Notice Requirments	Cover Memo	8/20/2018

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

5
6 **RESOLUTION No. 2018-050**
7

8 **A RESOLUTION TO ENCOURAGE COMPLIANCE WITH STATE HUMAN**
9 **TRAFFICKING NOTICE REQUIREMENTS, TO ENHANCE PUBLIC SAFETY AND**
10 **FOR OTHER LAWFUL PURPOSES.**
11

12 **(Sponsored by Councilwoman Willis)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof ("City Council");
19

20 **WHEREAS**, O.C.G.A. § 16-5-47 requires the posting of model notices in certain
21 locations and establishments to enable persons who are subject of human trafficking to
22 obtain help and services;
23

24 **WHEREAS**, those locations and establishments specified in the law include adult
25 entertainment establishments, bars, and hotels, which may be inspected and regulated
26 for health, safety and other lawful purposes by the City;
27

28 **WHEREAS**, the failure of subject establishments to post the National Human
29 Trafficking Resource Center hotline number is a misdemeanor under O.C.G.A. § 16-5-
30 47, punishable by a fine of not more than \$500.00;
31

32 **WHEREAS**, the City Council is empowered by City Charter Section 1.12(13) "to
33 define, regulate, and prohibit any act, practice, conduct, or use of property which is
34 detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants
35 of the city and to provide for the enforcement of such standards;"
36

37 **WHEREAS**, the human trafficking creates conditions detrimental to the health
38 welfare and safety of the inhabitants of the City;
39

40 **WHEREAS**, City employees enter upon the premises of adult entertainment
41 establishments, bars, hotels, and restaurants from time to time in order to inspect
42 compliance with permitting and other City and regulatory requirements; and
43

44 **WHEREAS**, the City desires to safeguard and promote the public health, safety,
45 and general welfare of all citizens through the adoption of this Resolution.
46

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOLVES that the City does hereby encourage City employees, officials and staff to determine whether any facilities that they inspect for compliance with permitting and other regulatory requirements are also in compliance with O.C.G.A. § 16-5-47 requirements for the posting of notices related to human trafficking, and to alert City law enforcement in the event of noted noncompliance.

Section 1. It is hereby declared to be the intention of the City 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 2. All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

Section 3. 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.

Section 4. Instruction to City Clerk: The City Clerk is hereby directed to circulate a copy of this Resolution to all City employees, staff and officials.

82 The foregoing RESOLUTION No. **2018-050**, adopted on _____ was
83 offered by Councilmember _____, who moved its approval. The motion was
84 seconded by Councilmember _____, and being put to a vote, the result
85 was as follows:
86

	AYE	NAY
87		
88		
89 William "Bill" Edwards, Mayor	_____	_____
90 Mark Baker, Mayor Pro Tem	_____	_____
91 Catherine Foster Rowell	_____	_____
92 Carmalitha Lizandra Gumbs	_____	_____
93 Helen Zenobia Willis	_____	_____
94 Gertrude Naeema Gilyard	_____	_____
95 Rosie Jackson	_____	_____
96 khalid kamau	_____	_____

97
98
99

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: Res2018-051 Setting Minimum Wage

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-051 minimum wage	Cover Memo	8/24/2018

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

6 **RESOLUTION No. 2018-051**
7

8 **A RESOLUTION PROMOTING ECONOMIC GROWTH AND EMPLOYEE MORALE,**
9 **ESTABLISHING AN INCREASED MINIMUM WAGE FOR CITY OF SOUTH FULTON**
10 **EMPLOYEES AND FOR OTHER LAWFUL PURPOSES.**
11

12 **(Sponsored by Mayor Pro Tem Mark Baker and Councilperson khalid kamau)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof ("City Council");
19

20 **WHEREAS**, Section 4.15 of the City Charter authorizes the City Council to put
21 rules and regulations in place concerning the pay for persons employed by the City;
22

23 **WHEREAS**, the City Council finds that earning a livable wage is critical to
24 employee survivability and morale;

25 **WHEREAS**, the City Council finds that establishing a reasonable minimum wage
26 will help to boost the economy and worker productivity and reduce poverty, income
27 inequality and employee turnover; and

28 **WHEREAS**, the City Council finds the City the establishment of a Fifteen (\$15)
29 Dollar hourly minimum wage for persons employed by the City to be in the best interest
30 of the City, its residents and the general public.

31 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
32 **HEREBY RESOLVES AS FOLLOWS:**
33

34 **Section 1.** The minimum hourly wage for all persons employed by the City of South
35 Fulton is hereby set at Fifteen (\$15) dollars ("City Minimum Wage"), effective as of the
36 first day of Fiscal Year 2019. The City Manager is hereby directed to adjust the salaries
37 of all City employees earning below the City Minimum Wage so that their earnings as of
38 the first day of Fiscal Year 2019 are paid at such hourly rate. The City Manager is further
39 instructed to amend the City's Pay Classification Schedule to reflect this change and to
40 bring the schedule back to the Council for re-adoption the first meeting in October 2018.

41
42 *****

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

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

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

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

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

61 **Section 4.** The effective date of this Resolution shall be the date of adoption
62 unless provided otherwise by the City Charter or state and/or federal law.
63
64

65 The foregoing **RESOLUTION No. 2018-051**, adopted on _____ was
66 offered by Councilmember _____, who moved its approval. The motion was
67 seconded by Councilmember _____, and being put to a vote, the result was
68 as follows:

69			
70		AYE	NAY
71	William "Bill" Edwards, Mayor	_____	_____
72	Mark Baker, Mayor Pro Tem	_____	_____
73	Catherine Foster Rowell	_____	_____
74	Carmalitha Lizandra Gumbs	_____	_____
75	Helen Zenobia Willis	_____	_____
76	Gertrude Naeema Gilyard	_____	_____
77	Rosie Jackson	_____	_____
78	khalid kamau	_____	_____

79
80
81

82 THIS RESOLUTION adopted this _____ day of _____ 2018.

83
84 **CITY OF SOUTH FULTON, GEORGIA**

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

90
91
92 ATTEST:

93
94
95 _____
96 MARK MASSEY, CITY CLERK

97
98 APPROVED AS TO FORM:

99
100
101 _____
102 EMILIA C. WALKER, CITY ATTORNEY
103



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Res2018-052 Brunch Bill Referendum

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-052 Brunch Bill Referendum	Cover Memo	8/22/2018

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

5 **RESOLUTION NO. 2018-052**
6

7 **A RESOLUTION TO CAUSE FOR A VOTER REFERENDUM ON THE**
8 **AUTHORIZATION OF THE SALE OF ALCOHOLIC BEVERAGES FOR ON-**
9 **PREMISES CONSUMPTION ON SUNDAYS FROM 11:00 A.M. UNTIL 12:30 P.M. AT**
10 **CERTAIN LICENSED ESTABLISHMENTS; TO REGULATE AND PROVIDE FOR THE**
11 **CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION**
12 **THEREON; AND FOR OTHER PURPOSES.**

13 **(Sponsored by Councilmembers Rowell and Gumbs)**

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia; and
16

17 **WHEREAS**, the Mayor and Council ("City Council") is the governing authority of
18 the City; and
19

20 **WHEREAS**, the City of South Fulton has an interest in regulating, through the
21 lawful exercise of its police powers, the sale of alcoholic beverages for the public health,
22 safety and welfare; and
23

24 **WHEREAS**, currently no alcohol sales for consumption on the premises may
25 take place on Sunday prior to 12:30 p.m.; and
26

27 **WHEREAS**, during its 2018 session, the Georgia General Assembly passed and
28 the Governor subsequently approved Senate Bill (SB) 17 which relates to alcoholic
29 beverages so as to provide that governing authorities of counties and municipalities
30 may authorize sale of alcoholic beverages for consumption on the premises during
31 certain times on Sundays subject to the passage of a referendum; and
32

33 **WHEREAS**, specifically, SB 17 allows the City of South Fulton to authorize the
34 sale of alcoholic beverages for consumption on the premises, including the sale of wine
35 and/or malt beverages and the sale of distilled spirits, on Sundays between the hours of
36 11:00 a.m. and 12:00 a.m. Midnight in any licensed establishment which derives at least
37 50 percent of its total annual gross sales from the sale of prepared meals or food in all
38 of the combined retail outlets of the individual establishment where food is served; and
39 in any licensed establishment which derives at least 50 percent of its total annual gross
40 income from the rental of rooms for overnight lodging; and
41

42 **WHEREAS**, in accordance with state law, the City Council desires to cause for a
43 special voter referendum to be held at the time of the next general election on the

question as to whether the above extension of alcohol service times on Sundays should be extended from 12:30 pm to 11:00 am start time; and

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

THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH FULTON do hereby resolve as follows:

Section 1:

A. That there shall be called and there is hereby called a special election to be held in all precincts in the City, on the 6th of November, 2018, for submitting to the voters of the City of South Fulton the question of authorizing Sunday sales of alcoholic beverages for on-premises consumption in certain licensed establishments between the hours of 11:00 a.m. and 12:30 p.m.

B. That the Municipal Clerk/Election Superintendent, in conjunction with the Fulton County Elections Superintendent, shall “call” said Referendum by publishing notice of the referendum in a newspaper of appropriate general circulation no less than ten nor more than 60 days after the date of approval of this Resolution.

C. That the ballot submitting the question of Sunday Sales of alcoholic beverages for on-premises consumption between the hours of 11:00 a.m. and 12:30 p.m. shall have printed the word “YES” and the word “NO” in order that each voter may vote in either the affirmative or negative as to the question propounded, and shall have written or printed thereon the following:

()	YES	Shall the governing authority of the City of South Fulton be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?”
()	NO	

D. The polls in each of the precincts holding this election shall be opened and closed at the same time as for the remained for the November 6, 2018 General Election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States and the State of Georgia.

E. Additional Coordination. The City Manager, with assistance by the City Attorney, is hereby directed to promptly provide Fulton County with a copy of this

Resolution, and to coordinate with Fulton County, as necessary, with the facilitation of the special voter referendum called for herein.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this 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 the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

107 The foregoing **RESOLUTION No. 2018-052**, was adopted on _____
108 was offered by Councilmember _____, who moved its approval. The
109 motion was seconded by Councilmember _____, and being put to a
110 vote, the result was as follows:

111

112

113

AYE

NAY

114

115 William "Bill" Edwards, Mayor

116 Mark Baker, Mayor Pro Tem

117 Catherine Foster Rowell

118 Carmalitha Lizandra Gumbs

119 Helen Zenobia Willis

120 Gertrude Naeema Gilyard

121 Rosie Jackson

122 Khalid Kamau

123

124

125

126

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: Ord2018-031 Department Head and Director

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-031 Department Head and Director	Cover Memo	8/20/2018

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

4
5 **ORDINANCE No. 2018-031**
6

7 **AN ORDINANCE AMENDING TITLE 1, ADMINISTRATION WITH RESPECT TO THE**
8 **EMPLOYMENT OF CITY DEPARTMENT HEADS AND DIRECTORS AND FOR**
9 **OTHER LAWFUL PURPOSES.**
10

11 **WHEREAS**, the City of South Fulton ("City") is an incorporated Georgia
12 municipality that is authorized to enact ordinances;
13

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

17 **WHEREAS**, Sections 1.12 and 3.21 of the City Charter provides that City
18 ordinances shall "have the force and effect of law" and "shall become law upon [their]
19 return to the city clerk;"
20

21 **WHEREAS**, Section 3.10(d) of the City Charter provides that "[e]ach department
22 shall consist of such officers, employees, and positions of employment as may be
23 provided by this charter or by ordinance and shall be subject to the general supervision
24 and guidance of the mayor and councilmembers;" and
25

26 **WHEREAS**, the City Council finds this ordinance to be in the best interests of the
27 health, safety and general welfare of the City.
28

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

31 **Section 1:** The City of South Fulton Code of Ordinances, Title 1, Administration,
32 Chapter 6, Municipal Employees, is hereby amended to read as follows:
33

34 **TITLE 1, ADMINISTRATION**

35
36 **CHAPTER 6, MUNICIPAL EMPLOYEES**

37
38 **Sec. 1-6007. Appointment and Removal of Department Heads and Directors.**
39

40 The following process shall govern the employment of department heads and directors:

- 41 (a) *Duties.* Each city department shall be managed by a department head or director
42 who shall be responsible for overseeing the day-to-day operations of their
43 department and perform such duties and functions as provided by the city council
44 and charter.
45

- 46 (b) *Appointment.* Department heads and directors, with the exception of the police
47 chief, shall be appointed by the city manager, unless provided otherwise by the city
48 charter.
- 49 (c) *Qualifications.* Except as otherwise provided by the city charter, department heads
50 and directors shall be appointed solely on the basis of their respective
51 administrative and professional qualifications.
- 52 (d) *Supervision.* Department heads and directors shall serve under the daily direction
53 and supervision of the city manager.
- 54 (e) *Compensation.* Department heads and directors shall receive such compensation
55 as prescribed by the city council.
- 56 (f) *Removal.* The city manager shall be authorized to suspend and/or terminate any
57 department head or director hired and/or appointed by him.

58 *****

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

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

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

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

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

89 The foregoing **ORDINANCE No. 2018-031**, adopted on _____ was
90 offered by Councilmember _____, who moved its approval. The motion was
91 seconded by Councilmember _____, and being put to a vote, the result
92 was as follows:

93
94 **“SECOND READING”**

	AYE	NAY
95		
96		
97		
98		
99 William “Bill” Edwards, Mayor	_____	_____
100 Mark Baker, Mayor Pro Tem	_____	_____
101 Catherine Foster Rowell	_____	_____
102 Carmalitha Lizandra Gumbs	_____	_____
103 Helen Zenobia Willis	_____	_____
104 Gertrude Naeema Gilyard	_____	_____
105 Rosie Jackson	_____	_____
106 khalid kamau	_____	_____

107
108
109

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: Ord2018-032 Purchasing Card

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-032 Purchasing Card	Cover Memo	8/20/2018

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

5 ORDINANCE No. 2018-032
6

7 AN ORDINANCE TO REGULATE THE USE OF CITY OF SOUTH FULTON
8 PURCHASING AND CREDIT CARDS, ENHANCE OPERATIONAL EFFICIENCY AND
9 FOR OTHER LAWFUL PURPOSES.
10

11 (Sponsored by Councilwoman Rowell, Willis, Jackson)
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, O.C.G.A. § 36-80-24 authorizes the use of purchasing and credit
20 cards for municipalities;
21

22 WHEREAS, the City wishes to regulate the use of city purchasing and credit
23 cards by way of this Ordinance; and
24

25 WHEREAS, the City desires to safeguard and promote the public health, safety,
26 and general welfare of all citizens through the adoption of this ordinance.
27

28 THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY
29 ORDAINS as follows:
30

31 Section 1: The City of South Fulton Code of Ordinances, Title 1, Administration,
32 is hereby revised by amending Chapter 9, Purchasing, Contracting and Disposition of
33 Property, to read as follows:
34

35 TITLE 1 – ADMINISTRATION
36

37 CHAPTER 9. - PURCHASING, CONTRACTING AND DISPOSITION OF PROPERTY.
38

39 Sec. 1-9001. City manager authorization.
40

41 The city manager shall be authorized, in addition to the mayor, to sign all lawful
42 contracts approved by the city to the extent allowed by law. In addition, the city
43 manager may make purchases on behalf of the city as to approved appropriations
44 within the city budget, up to the amount of \$25,000.00 per transaction, with the
45 exception that he may not in any calendar month obligate the city to any sum in

excess of the monthly budget or one-twelfth of the annual approved city budget authorizing such expense.

Sec. 1-9002. Purchasing card policy.

- a. **Purpose.** The purpose of this policy is to set requirements and standards for the City of South Fulton Purchasing Card Program. The policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials using such purchasing cards. At no time should a city issued purchasing card or credit card be used for personal purchases regardless of the circumstances. Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to such official's public duty may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a city purchasing card or city credit card must be in accordance with these guidelines and with state law.
- b. **Scope.** This purchasing card policy, as set forth under O.C.G.A. § 36-80-24(c), authorizes the use of city purchasing and credit cards by the persons named below who shall abide by all applicable local, state and federal laws concerning such use:
 1. Mayor and City Council
 3. City Manager
 4. Department Heads
- c. **Public inspection.** In accordance with O.C.G.A. § 36-80-24(b), any documents related to purchases using city purchasing cards or city credit cards shall be available for public inspection.
- d. **Transaction limits.** Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. The single transaction limit for each individual credit line shall be up to \$1,000. The monthly card limit for each individual credit line shall not to exceed \$5,000 per month. Both limits will be extended only with the use of purchase order authorized by the chief financial officer.
- e. **Purchasing restrictions.** City officials and personnel may not use a city purchasing card or city credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.

- 92
- 93 c. Any transaction amount greater than the transaction limits set for by
- 94 this chapter, unless authorized by the chief financial officer.
- 95
- 96 d. Items specifically restricted by this policy, unless a special
- 97 exemption is granted by the municipal governing authority.
- 98
- 99 e. Alcohol or liquor of any kind. Such purchases should not be made
- 100 with the purchasing card and may not be reimbursed by the city.
- 101
- 102 f. Purchases or transactions made with the intent to circumvent the
- 103 city purchasing policy, transactional limits, or state law.
- 104
- 105 2. City officials and personnel may use city purchasing cards or city credit
- 106 cards to purchase goods and/or services not prohibited by this policy or
- 107 state law. Such purchases include, but are not limited to:
- 108
- 109 a. Purchases of items for official city use which fall within the
- 110 transactional restrictions of this policy.
- 111
- 112 b. Purchase of lodging, fuel, food, non-alcoholic beverages, or
- 113 education and training materials while on city business.
- 114
- 115 c. Emergency purchases necessary to protect city property.
- 116
- 117 f. **Administrator.** The city hereby designates the city chief financial officer, in
- 118 coordination with finance guidelines, as the program administrator of city
- 119 purchasing and credit cards. The finance department shall issue such cards
- 120 receive and review monthly credit card statements, reconcile and inform the chief
- 121 financial officer of any discrepancies. The chief financial officer shall act on
- 122 reported findings. In addition, the chief financial officer and finance department
- 123 shall:
- 124
- 125 1. Serve as a liaison between the city's cardholders and the issuers of such
- 126 cards;
- 127 2. Maintain all credit card statements and records;
- 128 3. Provide instruction, training, and assistance to cardholders;
- 129 4. Secure all cardholder information;
- 130 5. Keep cardholders up-to-date on new or changing information;
- 131 6. Upon receipt of information indicating fraudulent use or lost/stolen cards
- 132 immediately report it to appropriate parties, including the issuer;
- 133 7. Ensure all card accounts are being utilized properly as set forth by local, state
- 134 and federal law;
- 135 8. Define the city's policy and procedures for proper documentation and storage
- 136 of receipts, logs, and approvals required under this policy;

- 137 9. Identify any changes to named persons authorized to use a city purchasing or
138 credit card;
139 10. Perform any other duties assigned by the city or chief financial officer in
140 complying with local state and federal law.
141

142 g. **Accounting and auditing.** The chief financial officer, in an effort to ensure
143 compliance with city policy and state law, will conduct monthly/quarterly reviews
144 and audits of all city purchasing card or city credit card transactions. The review
145 is designed to ensure compliance, identify non-compliance issues and misuse,
146 and through corrective measures assist the city with improving compliance. The
147 monthly review and audit should happen within fifteen days of the start of each
148 month. After completing the monthly/quarterly audit the Administrator shall notify
149 cardholders of any violations or questions the chief financial officer has that
150 occurred within that previous month. Depending on the severity of the violation,
151 the chief financial officer may recommend to the chief financial officer to suspend
152 or revoke the use of the city purchasing card or city credit card after notification
153 to the cardholder and to the municipal governing authority. Any unresolved
154 violations should be reported to the municipal governing authority and the city
155 attorney in writing immediately.
156

157 h. **Violations.** The use of a city purchasing card or city credit card may be
158 suspended or revoked when the Administrator, after consultation with the city
159 attorney, determines that the cardholder has violated the approved policies or
160 state law regarding the use of the city purchasing card or city credit card. The city
161 purchasing card or city credit card shall be revoked whenever a cardholder is
162 removed from office with the city and shall be suspended if such elected official
163 has been suspended from office.
164

165 i. **Agreement.** Before being issued a city purchasing card or city credit card under
166 this policy and state law, all authorized users of city purchasing cards or city
167 credit cards shall execute a signed writing agreeing that such user will use such
168 cards in accordance with local, state and federal law.
169
170

171 *****
172

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

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

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

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

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

Section 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. 2018-032**, 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	_____	_____

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

221
222
223
224 **“SECOND READING”**
225
226
227

228
229 _____
230 WILLIAM “BILL” EDWARDS, MAYOR
231
232
233

234
235 ATTEST:
236
237

238 _____
239 MARK MASSEY, CITY CLERK
240
241
242
243
244
245

246 APPROVED AS TO FORM:
247
248

249 _____
250 EMILIA C. WALKER, CITY ATTORNEY
251
252
253
254
255



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Ord2018-033 Public Arts Commission

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-033 Public Arts Commission	Cover Memo	8/22/2018

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

5 **ORDINANCE NO. 2018-033**

6 **AN ORDINANCE ESTABLISHING THE CITY OF SOUTH FULTON PUBLIC ARTS**
7 **COMMISSION AND FOR OTHER LAWFUL PURPOSES.**

8 **(Sponsored by Mayor Edwards, Councilperson Rowell and**
9 **Mayor Pro Tem Mark Baker)**

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

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

15
16 **WHEREAS**, cities use public art to showcase their personalities, character and
17 history;

18 **WHEREAS**, it is the purpose and intent of the City Council to invest in public arts
19 and to establish an Arts Commission to serve in an advisory capacity to the Mayor, City
20 Council and City Manager on promoting, encouraging and increasing support for the
21 arts;

22 **WHEREAS**, the City Council finds this ordinance to be in the best interests of the
23 health, safety, and general welfare of the City.

24
25 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
26 **ORDAINS** as follows:

27
28 **Section 1:** The City of South Fulton Code of Ordinances is hereby amended by
29 creating a new Chapter 8, Arts & Entertainment, to Title 11, Parks and Recreation,
30 which shall read as follows:

31
32 **TITLE 11 – PARKS & RECREATION**

33
34 **CHAPTER 8 - ARTS & ENTERTAINMENT**
35

36 **Sec. 11-8001. Short title.**

37 This Chapter shall be known as the "South Fulton Public Arts Ordinance."

38 **Sec. 11-8002. Definitions.**

39 As used in this chapter, the following words and phrases are used and shall mean:

- 40 A. "Accession" means the formal process used to accept and record an artwork as a
41 Public Art Collection item.
- 42 B. "Acquisition" means the transfer of title to the city of valuable property including
43 artwork by purchase, donation, bequest, transfer or exchange.
- 44 C. "Artist" means an individual generally recognized by critics and peers as a
45 professional practitioner of the visual, performing or language arts or a
46 combination thereof, based on the professional practitioner's body of work,
47 educational background, experience, past commissions, exhibition/performance
48 record, publications and production of artworks.
- 49 D. "Artworks" must be specified or designed by an artist and include public arts as
50 defined herein;
- 51 a. Sculpture may be made of any material or combination of materials; may
52 be free standing, wall-supported, suspended, mounted, installed, kinetic,
53 electronic or mechanical.
- 54 b. Murals or paintings may be made of any material or combination of
55 materials with traditional or non-traditional means;
- 56 c. Earthworks, glass, organic materials (i.e. fiber, clay, wood, etc.), mosaics,
57 photographs, prints, calligraphy, ephemera, textiles, found objects and any
58 media or combination of media including audio, video, film, holographic or
59 computer-generated technologies or other art genres currently known or
60 which may come to be known; and
- 61 d. Tangible manifestations (i.e. CDs, DVDs, scripts, photographs, videos,
62 films, scores, etc.) of choreography, theatrical performances, performance
63 art, happenings, music, television and film or other performing or language
64 art genres currently known or which may come to be known.
- 65 e. Artworks may be permanent, temporary, fixed or portable, may be integral
66 part of a building, facility or structure integrated with the work of other
67 design professionals.

68 The following, unless specified or designed by an artist, are not considered
69 artwork:

- 70 a. Reproductions, by mechanical or other means, of original artworks.
71 However, limited editions controlled by the artist or original prints, cast
72 sculptures or photographs, may be considered artworks.
- 73 b. Decorative, ornamental or functional elements not specified or designed
74 by an artist.
- 75 c. Elements generally considered as being components of architecture or
76 landscape design such as vegetative materials, pools, paths, benches,
77 receptacles, fixtures, planters, etc.
- 78 d. Art objects which are mass produced, ordered from a catalog, or of
79 standard design (such as benches or fountains), wayfinding or other
80 functional elements such as graphics, signage, advertising or maps.

- 81 E. "Capital Improvement Program Project" means any permanent public
82 improvement project, or portion or phase thereof, set forth in the Capital
83 Improvements Program budget as adopted by city council.
- 84 F. "Public Art Collection" means artworks which have been accessioned and are
85 publicly owned, possessed, or controlled by the city and administered by the
86 commission. Incoming loans of artwork shall be incorporated into the *Civic Art*
87 *Collection* for the duration of the loan but are not considered acquisitions.
- 88 G. "Commission" means the City of South Fulton Public Arts Commission.
- 89 H. "Deaccession" means the formal process used to permanently remove an
90 artwork from the *Public Art Collection*.
- 91 I. "Disposal" means the permanent exchange, sale, destruction or transfer of an
92 artwork from the Public Art Collection.
- 93 J. "Extraordinary artwork maintenance" means any maintenance or conservation to
94 the sound condition of an artwork that requires specialized services.
- 95 K. "Open and accessible" means available for use by the general public during
96 normal hours of business operation consistent with the use of the premises.
- 97 L. "Ordinary artwork maintenance" means the routine oversight of the operation and
98 cleaning of and around artworks.
- 99 M. "Public art" means artwork acquired or created using funds appropriated by the
100 city and located in public places.
- 101 N. "Public Art Fund" means a separate fund established in the city treasury into
102 which funding for collection management activities; funding for public arts project
103 management activities; monetary bequests and donations for specific or
104 unspecified cultural use; grants; grant matching funds and allocated Hotel/Motel
105 Tax funds may be deposited.
- 106 O. "Supplemental funds: means those funds contributed by individuals,
107 corporations, foundations or government grants and placed in the Public Art
108 Fund in addition to the allocation of three percent of hotel/motel taxes collected
109 by the City for implementing the purposes of this Ordinance and other public art
110 projects recommending by the commission and approved by the Council.
- 111 P. "Public exhibition of the visual, literary, film/video arts" shall mean paintings,
112 lithographs, reproductions, photographs, murals, handcrafted arts, stained glass,
113 statues, sculptures and other forms of media arts.
- 114 Q. "Public places" shall mean land, buildings and structures owned or controlled by
115 the city.
- 116 R. "Works of art" shall mean paintings, reproductions, photographs, murals,
117 handcrafted arts, stained glass, statues or other sculptures, monuments,
118 fountains, arches and other structures of a permanent or temporary nature
119 intended for ornament or commemoration.

120 **Sec. 11-8003. Arts Commission.**

121 The City of South Fulton Public Arts Commission is hereby established consisting of
122 eight members who shall represent the following areas:

- a. Individual artist
- b. Arts organizations
- c. Arts patrons
- d. Educators
- e. The business community
- f. General public

The mayor's appointee shall serve as chair, and each city council members shall have one appointee whose terms will serve concurrently with their appointing city council member's term of office. The chair shall only vote in cases of a tie. Commission members cannot serve more than two full terms, or a total of eight years. Commission members shall be volunteers, but may be reimbursed for travel, training and related expenses as approved by the City Council.

Sec. 11-8004. Commission quorum.

Four Commission members shall constitute a quorum and shall be authorized to transact business.

Sec. 11-8005. Commission meeting and reporting.

The commission shall meet not less than monthly, and report to the city council on an as-needed basis, but not less than twice per year. The commission may adopt by-laws, subject to confirmation by the city council, and shall operate in accordance with Robert's Rules of Order, 11th Edition, newly revised, as said publication may be updated from time to time.

Sec. 11-8006. Duties and functions.

The commission's duties and functions shall be as follows:

1. Advocate for the role and value of arts in civic life and promote greater public participation in, and access to public art.
2. Oversee funding allocations in support of non-profit arts and culture organizations, artists, festivals and artworks in public development;
3. Oversee artworks owned and controlled by the city to contribute to the quality of life, the economic vitality and the vibrancy of the city;
4. Make recommendations for city funding to the city council using objective criteria and evaluation panels, as appropriate;
5. Serve in and advisory capacity on projects and programs designed to promote the arts in public places throughout the city and encourage the private sector to include the arts in private developments; and
6. Serve as the city's federal and state local arts program liaison.
7. Advise on the acquisition and placement of works of art on city property.
 - a. No work of art shall be installed or removed from public areas of city property without a review by the commission.

8. Receive and accept applications for public art funds and use objective criteria to evaluate and recommend to the city council the allocation of said funds.
9. Advocate for and explore alternative sources of arts funding including, but not limited to, grants, donations and corporate sponsorships.
 - a. Explore funding opportunities with private sector, local, regional, state and federal governments, and international entities.
10. Prepare and recommend for the city's council's review a Public Art Plan and guidelines to carry out the city's art program, which shall include, but not be limited to, the methods for selection of artists or works of arts and for the placement of works of arts.
 - a. Public hearings shall be held by the commission during the preparation of the plan and any amendments thereto.
 - b. Advise on the development, implementation, evaluation and/or change of the city's arts policy, legislation, programs and services.
11. Advise the city council regarding the possible purchase of works of art or commissioning the design, execution and/or placement of works of art.
 - a. The commission shall give special attention to the placement of appropriate art in parks and gateways to the city.
12. Receive input from the city manager regarding operation and maintenance expenses associated with a work of art.
 - a. If the city manager finds that a proposed work of art requires extraordinary operation of maintenance expenses, the commission shall either select another work of art; or
 - b. Submit with its recommendation to the city manager and city council a statement of overriding consideration for why the work of art should be utilized notwithstanding its extraordinary operation or maintenance expense.
13. In cooperation with the city manager, promulgate for city council appropriate guidelines consistent with the ordinance to facilitate implementation of the responsibility of the commission and city manager hereunder.
14. In instances of artworks to be placed in new construction projects initiated by the city, to achieve a greater degree of artistic harmony, artists should be recommended by the commission and confirmed by the city manager before city approval of the architect's schematic design.

Sec. 11-8007. Hotel/motel tax allocation. Three percent of the total amount of hotel/motel taxes collected by the City shall be allocated to the Public Art Fund for implementing the purposes of this Ordinance.

Sec. 11-8008. Control of artworks.

No artworks shall be contracted for, exhibited on, or erected on public places, or become the property of the city by acquisition or otherwise, or be in the custody of the city by loan or otherwise, or be in the custody of the city by loan or otherwise, unless

202 such artworks, shall first have been submitted to, reviewed and accepted by the
203 commission.

204 No existing artworks owned by or in the custody of the city shall be deaccessioned,
205 removed, relocated, conserved, altered, exhibited or disposed of in any way without the
206 review, recommendation and approval of the commission.

207 **Sec. 11-8009. Management of artworks.**

208 All collection management activities shall be the responsibility of the commission.
209 Ordinary artwork maintenance of artworks in the Public Art Collection is the responsibility
210 of the city department at which the artwork is sited and shall be undertaken at the
211 direction of commission.

212 **Sec. 11-80010. Acquisition of artworks.**

213 The commission may authorize the purchase of artworks for inclusion in the Public Art
214 Collection following the review and recommendation of the commission.

215 Commission staff shall, on behalf of the city, accept with or without conditions, or reject
216 donations, bequests or incoming loans or artwork following the review and
217 recommendation of the commission. Title to all donated and bequeathed artworks
218 accepted by the city and accessioned into the Public Art Collection shall be vested and
219 held in the name of the city.

220 **Sec. 11-80011. Deaccession of artworks.**

221 When an artwork is deaccessioned and disposed of through sale, the artwork shall be
222 sold through methods either administered by or approved by the Purchasing Agent who
223 may administer acceptance of all deeds of conveyance necessary and property to affect
224 a duly authorized sale or exchange.

225 **Sec. 11-80012. Loans from the civic art collection.**

226 The commission is authorized to loan artworks from the Public Art Collection to city
227 departments, agencies, institutions, organizations or galleries. Loans with any non-city
228 entities shall be subject to confirmation by the city council.

229 **Sec. 11-80013. Reproductions or adaptations of artworks.**

230 The commission is authorized to negotiate with the copyright holder for each artwork in,
231 or proposed for inclusion in the Public Art Collection for the purpose of acquiring a
232 license to make, or cause to be made reproductions or adaptations of artwork.
233 Reproductions or adaptations of artworks are made according to the terms and conditions
234 of the licensing agreement.

235 **Sec. 11-80014. Proceeds from the sale, loan, reproduction or adaption of**
236 **artworks.**

237 All monies received from the sale of artworks from the Public Art Collection must be
238 expended on new acquisitions. Proceeds from the loan of artworks or from the
239 licensing of the making of reproduction or adaptations thereof, less any payments due,
240 shall be deposited into the Public Art Fund.

241 *****
242 *****
243 *****

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

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

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

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

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

264 The foregoing **ORDINANCE No. 2018-033**, adopted on _____ was
265 offered by Councilmember _____, who moved its approval. The motion was
266 seconded by Councilmember _____, and being put to a vote, the result
267 was as follows:

268
269 **“SECOND READING”**

270			
271			
272		AYE	NAY
273	William “Bill” Edwards, Mayor	_____	_____
274	Mark Baker, Mayor Pro Tem	_____	_____
275	Catherine Foster Rowell	_____	_____
276	Carmalitha Lizandra Gumbs	_____	_____
277	Helen Zenobia Willis	_____	_____
278	Gertrude Naeema Gilyard	_____	_____
279	Rosie Jackson	_____	_____
280	khalid kamau	_____	_____

281
282
283

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: Ord2018-034 Human Trafficking

DATE OF MEETING: 8/28/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-034 - Human Trafficking	Cover Memo	8/20/2018

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

5 **ORDINANCE NO 2018-034**
6

7 **AN ORDINANCE AMENDING TITLE 12, LICENSES, PERMITS AND BUSINESS**
8 **REGULATIONS, OF THE CITY CODE OF ORDINANCES TO DISCOURAGE HUMAN**
9 **TRAFFICKING, PRESERVE THE HEALTH AND WELFARE OF THE CITY AND FOR**
10 **OTHER LAWFUL PURPOSES.**
11

12 **(Sponsored by Councilwoman Willis)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof ("City Council");
19

20 **WHEREAS**, O.C.G.A. § 16-5-47 requires the posting of model notices in certain
21 locations and establishments to enable persons who are subject of human trafficking to
22 obtain help and services;
23

24 **WHEREAS**, those locations and establishments specified in the law include adult
25 entertainment establishments, bars, and hotels, which may be inspected and regulated
26 for health, safety and other lawful purposes by the City;
27

28 **WHEREAS**, the failure of subject establishments to post the National Human
29 Trafficking Resource Center hotline number is a misdemeanor under O.C.G.A. § 16-5-
30 47, punishable by a fine of not more than \$500.00;
31

32 **WHEREAS**, the City Council is empowered by City Charter Section 1.12(13) "to
33 define, regulate, and prohibit any act, practice, conduct, or use of property which is
34 detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants
35 of the city and to provide for the enforcement of such standards;"
36

37 **WHEREAS**, the human trafficking creates conditions detrimental to the health
38 welfare and safety of the inhabitants of the City;
39

40 **WHEREAS**, City employees enter upon the premises of adult entertainment
41 establishments, bars, hotels, and restaurants from time to time in order to inspect
42 compliance with permitting and other City and regulatory requirements; and
43

44 **WHEREAS**, the City desires to safeguard and promote the public health, safety,
45 and general welfare of all citizens through the adoption of this Resolution.
46

47 **THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
48 **ORDAINS** as follows:

49
50 **Section 1:** The City of South Fulton Code of Ordinances, Title 12, Licenses,
51 Permits and Business Regulations, is hereby amended by creating a new Chapter 2,
52 Human Trafficking Notice Requirements, which shall read as follows:

53
54 **TITLE 12 – LICENSES, PERMITS AD BUSINESS REGULATIONS**

55
56 **CHAPTER 2 –HUMAN TRAFFICKING NOTICE REQUIREMENTS**

57
58 **Sec. 12-2001. Posting model notice to enable persons who are subject of human**
59 **trafficking to obtain health and services.**

60
61 (a) **Definitions.** As used in this Chapter section, the term:

62
63 (1) "Adult entertainment establishment" means any place of business or commercial
64 establishment wherein:

65
66 (A) The entertainment or activity therein consists of nude or substantially nude
67 persons dancing with or without music or engaged in movements of a sexual
68 nature or movements simulating sexual intercourse, oral copulation, sodomy,
69 or masturbation;

70
71 (B) The patron directly or indirectly is charged a fee or required to make a purchase
72 in order to view entertainment or activity which consists of persons exhibiting
73 or modeling lingerie or similar undergarments; or

74
75 (C) The patron directly or indirectly is charged a fee to engage in personal contact
76 by employees, devices, or equipment, or by personnel provided by the
77 establishment.

78
79 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,
80 and related or similar activities. Such term shall not include businesses or commercial
81 establishments which have as their sole purpose the improvement of health and physical
82 fitness through special equipment and facilities, rather than entertainment.

83
84 (2) "Agricultural products" means raising, growing, harvesting, or storing crops;
85 feeding, breeding, or managing livestock, equine, or poultry; producing or storing
86 feed for use in the production of livestock, including, but not limited to, cattle,
87 calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production
88 of poultry, including, but not limited to, chickens, hens, ratites, and turkeys;
89 producing plants, trees, Christmas trees, fowl, equine, or animals; or producing

aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products.

(3) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(4) "Day hauler" means any person who is employed by a farm labor contractor to transport, or who for a fee transports, by motor vehicle, workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person; provided, however, that such term shall not include a person who produces agricultural products.

(5) "Farm labor contractor" means any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such persons; provided, however, that such term shall not include a person who produces agricultural products.

(5.1) "Government building with public access" means a building or portion of a building owned or leased by the City.

(6) "Hotel" means any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.

(7) "Food service establishment" means any public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever named called, except those food service establishments that do not offer public restroom facilities shall be exempt from this Chapter.

(8) "Massage therapist" means a person licensed pursuant to Chapter 24A of Title 43 of the Official Code of Georgia.

(9) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. Section 47102(16).

(10) "Substantially nude" means dressed in a manner so as to display any portion of the female breast below the top of the areola or displaying any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(11) "Truck stop" means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.

(b) **Businesses Required to Post Notice.** The following businesses and other establishments shall post the notice described in subsection (c) of this Chapter, or a substantially similar notice, in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation, in each public restroom for the business or establishment and either in a conspicuous place near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

(1) Adult entertainment establishments;

(2) Bars;

(3) Primary airports;

(4) Passenger rail or light rail stations;

(5) Bus stations;

(6) Truck stops;

(7) Emergency rooms with general acute care hospitals;

(8) Urgent care centers;

(9) Farm labor contractors and day haulers;

(10) Privately operated job recruitment centers;

(11) Safety rest areas located along interstate highways in this City;

(12) Hotels;

(13) Food service establishments;

(14) Businesses and establishments that offer massage or bodywork services by a person who is not a massage therapist; and

(15) Government buildings; provided, however, that in the case of leased property, this paragraph shall only apply to public restrooms that are a part of such lease for exclusive use by the City.

(c) The model notice shall be downloaded from the Georgia Bureau of Investigation's Internet website. Such notice shall be at least 8 ½ inches by 11 inches in size and

174 printed in a 16 point font in English, Spanish, and any other language that has been
175 deemed appropriate by the director of the Georgia Bureau of Investigation. Such
176 model notice shall provide information giving individuals a method to contact the
177 National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic
178 Minor Trafficking.

179
180 (d) (1) A law enforcement officer shall notify, in writing, any business or establishment
181 that has failed to comply with this Chapter that it has failed to comply with the
182 requirements of this Chapter and if it does not correct the violation within 30 days from
183 the date of receipt of the notice, the owner of such business or establishment shall be
184 charged with a violation of this Chapter and may be punished by a fine of not more
185 than \$500.00 for the first offense; but the provisions of Chapter 11 of Title 17 of the
186 Official Code of Georgia and any other provision of law to the contrary
187 notwithstanding, the costs of such prosecution shall not be taxed nor shall any
188 additional penalty, fee, or surcharge to a fine for such offense be assessed against an
189 owner for conviction thereof. Upon a second or subsequent conviction within a one
190 year period, the owner shall be punished by a fine not to exceed \$1,000.00. The notice
191 required by this subsection may be hand delivered to the noncomplying business or
192 establishment or mailed to it at the address of such business or establishment.

193
194 (2) This subsection shall not apply to the City.
195
196

197 *****
198

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

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

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

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

217 **Section 4.** The effective date of this Ordinance shall be the date of adoption unless
218 provided otherwise by the City Charter or state and/or federal law.
219

220 **Section 5. *Instruction to City Clerk.*** Unless vetoed, the City Clerk is hereby directed
221 to forward a copy of this ordinance to the Chief of Police and Municipal Court Judge(s),
222 Solicitor(s) and Public Defender(s).
223

224 The foregoing **ORDINANCE No. 2018-034**, adopted on _____ was
225 offered by Councilmember _____, who moved its approval. The motion was
226 seconded by Councilmember _____, and being put to a vote, the result was
227 as follows:

228
229 **“FIRST READING”**

230			
231			
232			
233		AYE	NAY
234	William “Bill” Edwards, Mayor	_____	_____
235	Mark Baker, Mayor Pro Tem	_____	_____
236	Catherine Foster Rowell	_____	_____
237	Carmalitha Lizandra Gumbs	_____	_____
238	Helen Zenobia Willis	_____	_____
239	Gertrude Naeema Gilyard	_____	_____
240	Rosie Jackson	_____	_____
241	khalid kamau	_____	_____

242
243
244

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: GDOT Local Maintenance & Improvement Grant

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Transportation Presentation	Cover Memo	8/22/2018
Agenda Item for City of South Fulton 2019 LMIG	Cover Memo	8/22/2018
GDOT 2019 LMIG Application Packet	Cover Memo	8/22/2018
2019 City of South Fulton LMIG Application to GDOT	Cover Memo	8/22/2018
GDOT Submittal for COSF LMIG 2019	Cover Memo	8/22/2018



TRANSPORTATION PRESENTATION

PRESENTED BY:
ANTONIO VALENZUELA
DEPUTY DIRECTOR, TRANSPORTATION
FULTON COUNTY DEPARTMENT OF PUBLIC WORKS

CITY OF SOUTH FULTON
5440 FULTON INDUSTRIAL BLVD, SOUTH FULTON, GA 30336



CITY OF SOUTH FULTON COUNCIL AGENDA ITEM



SUBJECT: Request approval to accept a Local Maintenance and Improvement Grant (LMIG) from Georgia Department of Transportation (GDOT) to resurface roads in the City of South Fulton.

DATE OF MEETING: 09/04/2018

BUDGET IMPACT:
FUNDING SOURCE

- (X) Annual
- () Capital
- () N/A

Work Session ()
Regular Session (X)
Recommendation ()
Policy/Discussion ()
Report ()
Other ()

CITY ACTION REQUESTED ON: September 11, 2018

HISTORY, FACTS AND ISSUES:

The Transportation Division is requesting approval to receive a Local Maintenance and Improvement Grant (LMIG) in the amount of \$1,027,771.30. In accordance with the Transportation Investment Act (TIA), the City of South Fulton is responsible for providing 30% (\$308,331.39) match in funds to obtain the LMIG. The City of South Fulton is also required to submit a list of projects eligible to receive funding through the LMIG. The Grant funds will offset costs incurred by the City of South Fulton for resurfacing of City roads, roadway striping, and other types of roadway improvement. The Transportation Division recommends approval to proceed with the LMIG application.

The acceptance of LMIG will provide all materials, labor, tools, equipment and appurtenances necessary for road resurfacing, which will involve the resurfacing of selected roads located in the City of South Fulton. The roads will be resurfaced per Georgia Department of Transportation's (GDOT) standards and specification. The selected roads are classified as minor and major arterial roads and will be resurfaced under the Local Maintenance Improvement Grant (LMIG). The roads to be resurfaced will have existing concrete curb and gutter or will be flush with the shoulder of the road.

OPTIONS:

1. Approve the acceptance of the Local Maintenance and Improvement Grant (LMIG) from the Georgia Department of Transportation (GDOT) pending approval of the 30% match from the City.
2. Do not accept the Local Maintenance and Improvement Grant (LMIG). This would likely result in reduced funding for resurfacing of roads in the City of South Fulton.

RECOMMENDED ACTION:

The Department of Public Works recommends the acceptance of the Local Maintenance and Improvement Grant (LMIG) and the approval to submit the following roads:

1. Demooney Road (Stonewall Tell Road to Butner Road)
2. East Stubbs Road (Stonewall Tell Road to Demooney Road)
3. Cascade Palmetto Highway (Campbellton Road to Demooney Road)

DEPARTMENT:

Fulton County Public Works,
on behalf of the City of South Fulton

DEPARTMENT HEAD:

David Clark, Public Works Director
Antonio Valenzuela, Deputy Director, Transportation

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

City Manager

Action Taken By Council: _____

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL
MAINTENANCE & IMPROVEMENT GRANT (LMIG)
APPLICATION FOR FISCAL YEAR 2019
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT INFORMATION

Date of Application: _____

Name of local government: City of South Fulton

Address: 5440 Fulton Industrial Boulevard, SW. Atlanta, GA 30336

Contact Person and Title: Antonio Valenzuela, Deputy Director, Transportation, Public Works, Fulton County

Contact Person's Phone Number: 404-612-0520

Contact Person's Fax Number: 404-224-1370

Contact Person's Email: Antonio.Valenzuela@FultonCountyga.Gov

Is the Priority List attached? Yes

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

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

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

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

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL
MAINTENANCE & IMPROVEMENT GRANT (LMIG)
APPLICATION FOR FISCAL YEAR 2019**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

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

Local Government:

Verify Number

_____(Signature)

Sworn to and subscribed before me,

_____(Print)

This ____ day of _____, 20 ____.

Mayor

In the presence of:

_____(Date)

NOTARY PUBLIC

SEAL:

My Commission Expires:

FOR GDOT USE ONLY

The local government's Application is hereby granted and the amount allocated to the local government is _____. Such allocation must be spent on any or all of those projects listed in the Project List.

This ____ day of _____, 20 ____.

Terry L Gable
Local Grants Administrator

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

June 15, 2018

Mr. William Edwards, Mayor
City of South Fulton
5440 Fulton Industrial Blvd.
Atlanta, Georgia 30336

RE: Fiscal Year 2019 Local Maintenance & Improvement Grant (LMIG) Program

Dear Mayor Edwards:

We are pleased to announce that the Department will begin accepting applications for the Fiscal Year 2019 LMIG Program on July 1, 2018. Please complete the attached application along with your Project Report form containing the road name, length of project, termini, type of work, project cost and construction let date. As a reminder, please mail your application package to the Chamblee District Office at **5025 New Peachtree Road, Chamblee, Georgia 30341 Attn: Lewis Brooker** instead of the Local Grants Office in Atlanta. All LMIG applications must be received in the District Office no later than January 1, 2019.

Your formula amount for the 2019 Program is **\$1,027,771.30** and your local match is **30%**. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d). The General Guidelines and Rules and other pertinent reports can be found on the Department's website at www.dot.ga.gov/ps/local/lmig. We must receive a satisfactory status letter of your previous LMIG Grants before approval can be given on your FY 2019 application.

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

Sincerely,

A handwritten signature in cursive script that reads "Russell R. McMurry".

Russell R. McMurry, P.E.
Commissioner

RRM:KHM
Attachments

Cc: Ms. Kathy Zahul, P.E.; Files

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

LOCAL GOVERNMENT INFORMATION

Date of Application: _____

Name of local government: _____

Address: _____

Contact Person and Title: _____

Contact Person's Phone Number: _____

Contact Person's Fax Number: _____

Contact Person's Email: _____

Is the Priority List attached?

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

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

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

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

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL
MAINTENANCE & IMPROVEMENT GRANT (LMIG)
APPLICATION FOR FISCAL YEAR _____**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

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

Local Government:

E-Verify Number

(Signature)

Sworn to and subscribed before me,

(Print)

This ____ day of _____, 20____.

Mayor / Commission Chairperson

In the presence of:

(Date)

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY SEAL:

FOR GDOT USE ONLY

The local government's Application is hereby granted and the amount allocated to the local government is _____. Such allocation must be spent on any or all of those projects listed in the Project List.

This ____ day of _____, 20____.

GDOT Office of Local Grants

_____ LMIG PROJECT REPORT

COUNTY / CITY _____

ROAD NAME	BEGINNING	ENDING	LENGTH (Miles)	DESCRIPTION OF WORK	PROJECT COST	PROJECT LET DATE

GDOT LMIG APPLICATION CHECKLIST

1. Local Government **must include a cover letter** with their LMIG Application. The cover letter shall include the following:
 - a. Overview of type of project(s) being requested
 - b. Status of previous LMIG funding
 - c. Signature of Mayor or County Commission Chairperson
2. The LMIG Application Form shall include the following:
 - a. Signature of Mayor or County Commission Chairperson
 - b. County/City Seal
 - c. Notary signature and seal
3. Project List including a brief description of work to be done at each location.

**2019 Local Maintenance Improvement Grant (LMIG)
City of South Fulton**

Street Name	From	To	PCI	Length (Miles)	Width (Feet)	Total Estimated Cost	Description of Work	Projected Let Date
Demooney Road	Stonewall Tell Road	Butner Road	52	2.90	21	\$355,341	Resurfacing	May-19
East Stubbs Road	Stonewall Tell Road	Demooney Road	30	1.28	22	\$228,431	Resurfacing	May-19
Cascade Palmetto Highway	Campbellton Road	Highway 92	35	4.60	22	\$716,630	Resurfacing	May-19
Totals				9		\$1,300,403		



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: City Manager Report

DATE OF MEETING: 8/28/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
City Manager Report	Cover Memo	8/22/2018



MONTHLY MANAGEMENT REPORT

TO: Honorable Mayor William “Bill” Edwards and City Council Members
FROM: Odie Donald II, City Manager 
DATE: August 21, 2018
SUBJECT: Monthly City Manager Report to Elected Officials – July 2018

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

1. Improve Parks and Recreation

July 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

- **July 7th:** Swordfish Swim Team competed in the Georgia Recreation & Park Association (GRPA) District 4 swim meet for the first-time since transitioning to the City of South Fulton. Several individual and team medals were awarded.
- **July 20th:** Welcome All Park was the host site for “Wakanda in the Park”, an event held in conjunction with Councilwoman Willis, Councilwoman Rowell, Councilwoman Gumbs, and Fulton County Commissioner Marvin Arrington Jr.
- **July 26th:** 2018 Summer Camp “End of Summer Event” with the Atlanta Hawks & V-103 “Summer Rec Center Takeover” where over 300 bookbags were given away.
- **July 28th:** Sandtown Park was the host site for the #HealthySouthFulton “Back 2 School Give Away” hosted by Councilwoman Rowell and Councilwoman Gumbs.
- **July 28th:** Welcome All Park was the host site for Commissioner Marvin Arrington Jr.’s Health Expo & Celebrity Basketball Game.
- **July Program Registration Numbers:**
 - Summer Camp Registrations – 175
 - Monthly Passes – 9
 - Open Swim – 576
 - Fitness – 247
 - Seniors/Walking Track - 173

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.
- **The following programs will begin in August 2018:**
 - Youth football at Old National 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. Formal work session presentation is tentatively scheduled for Tuesday, September 11, 2018.

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

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

Code Enforcement and Code Board

Tell Line Calls

- 3,475 (YTD)
- 143 (July 2018)

Violations

- 2,553 (YTD)
- 1,524 Open Cases
- 1,029 Closed Cases

Code Enforcement Board

- 263 Cases (YTD)* (No Code Board hearing since last report)
- Average Cases: maintenance of property (trash, debris, and high weeds), junk vehicles, property maintenance violations

Municipal Court

- 70 cases (YTD)
- Average Cases: property maintenance, junk cars, and zoning violations

Fire Department

CRR - South Fulton Fire Rescue Monthly Report- July 2018

Fire Rescue Activities	Current Month	YTD
COLUMN #1:		
Emergency Call Volume		
Fire	23	168
Overpressure Rupture, Explosion, Overheat	0	8
EMS/Rescue	717	3799
Hazardous Condition	36	180
Service Calls	134	699
Good Intent Calls	247	854
False Alarms & False Calls	116	474
Severe Weather/Natural Disaster	2	16
Special Incident Types	0	6
Non-Specific	4	40
Total	1,279	6,244
Average Response Time	6:29	6:29
COLUMN #2		
Community Risk Reduction (CRR) Activities		
Company Level Inspections	109	435
CRR Final and Existing Business Inspection Requests	17	77
Company Level Inspections - Vacant Buildings	19	78
COLUMN #3		
Fire Safety Education		
Number of Classes	200	519
Number of Students	560	3,400
Number of Special Events	6	150
Number of Persons Contacted	560	1647
Number of Facilities Visited and Educated	5	33
Number of Apparatus Requests	5	46
COLUMN #4		
NO SMOKE ALARM BLITZ WAS CONDUCTED FOR JULY		
Homes Visited	0	1155
Smoke Detectors Installed (via fire station requests)	0	100
Smoke Detectors Given to the Public (via Fire Stations)	0	28
COLUMN #5		
Fee Schedule Collection		
Fire Safety Inspections	\$ 600.00	\$ 1,275.00
Personal Care Homes/ Day Care Inspections	\$ 200.00	\$ 1,900.00
Fire Alarm Reviews	\$ -	\$ 938.50
Fire Sprinkler Review	\$ 535.15	\$ 3,272.35
Blasting Permits	\$ 300.00	\$ 2,175.00
Open Records Request	\$ 10.00	\$ 15.00
Special Events	\$ -	\$ 0
Combustible Permits	\$ -	\$ -
Fireworks Permits	\$ -	\$ 500.00
Business Inspections	\$ -	\$ -
Burn Permits		\$ 1,500.00
Tent Permit	\$ -	\$ -
Fire Extinguisher Training	\$ -	\$ -
2018 Year-To Date Total		\$ 11,575.85
Payments Received in 2018 for 2017 Services		\$ 7,350.00
Fee Schedule Collection Total for 2018		\$ 18,925.85

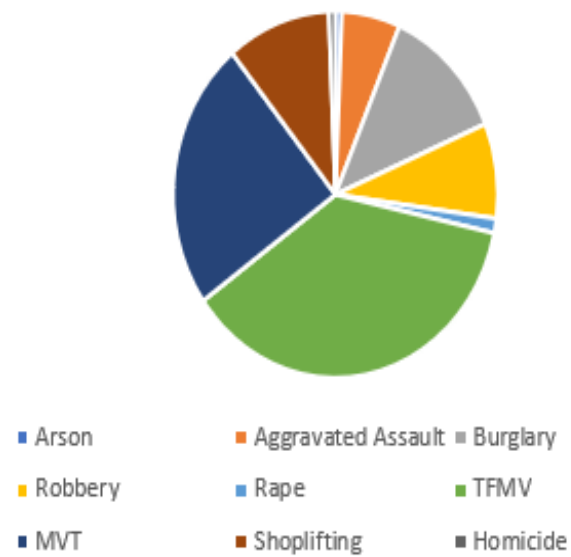
Department Updates

- Fire safety inspections were completed for all Fulton County Schools within the City of South Fulton. This includes 13 elementary schools, 5 middle schools, and 3 high schools. All were in 100% compliance and no major issues were noted.
- Automatic Aid Agreement with Union City was approved by the South Fulton City Council on August 14, 2018. The agreement is scheduled for vote and approval by Union City on August 24, 2018. This will provide much needed insurance premium relief to hundreds of citizens in the Oakley Industrial/Spence Rd area.
- 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 National Night Out on Tuesday, August 7, 2018.
- Engine 17 is out of service and is currently operating out of a box unit.
- Fulton County is currently making repairs to the parking lot at Fire Station #15.

Police Department

Offense	July 2018
Arson	1
Aggravated Assault	9
Burglary	19
Robbery	13
Rap	2
Theft from Motor Vehicle	57
Motor Vehicle Theft	37
Shoplifting	16
Homicide	1

July Part 1 Incidents



Offense	July 2018
Stolen Vehicle Recovered	4
Suspicious Activity	8
Wanted Person Located	7
Discharge of Firearm	40
Accident Reports	228
Traffic Citations	242
Other Incidents	330
Other Larceny	98
Arrest	148



Department Updates

- South Fulton Police Department held its first official swearing-in ceremony for five (5) officers.
- South Fulton City Council Accepted the City Manager's recommendation to hire Keith Meadows as the first permanent Police Chief in the City's history.
- More than 50 police officers have successfully completed the Defensive Driving Training.
- South Fulton Police Officers responded to a bank robbery in progress on Cascade Road and successfully apprehended the suspect, thus saving hostages. See links below for coverage of this incident.
 - Bank Robbery-Fox 5:
<https://www.youtube.com/watch?v=a3Ulujqp5oQ&feature=youtu.be>
 - Bank Robbery-South Metro Neighbor:
https://www.mdjonline.com/neighbor_newspapers/south_metro/news/south-fulton-police-thwart-armed-robbery/article_3b3a2782-8440-11e8-a64e-c3b4a23365f8.html
- South Fulton Police Officers responded to an armed robbery in progress at the Family Dollar on Old National Highway and successfully apprehended the suspect. See links below for coverage of this incident.

- Family Dollar Robbery-Fox 5: <http://www.fox5atlanta.com/news/south-fulton-family-dollar-armed-robbery>
- Family Dollar Robbery-South Metro Neighbor: https://www.mdjonline.com/neighbor_newspapers/south_metro/news/bolo-south-fulton-police-seek-armed-robber/article_66a93b0a-5f75-11e8-96c6-5775f36dceb5.html

Offense	Total Cases	Total Cases Cleared	Clearance Rate	National Clearance Rate
Aggravated Assault	139	77	55%	57%
Arson	4	3	75%	21%
Burglary	216	116	54%	24%
Homicide	4	3	75%	61%
Rape	10	7	70%	52%
Robbery	53	22	42%	29%
Theft	1257	1092	87%	20%

3. Economic Development

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

Business License

- **Processed Applications**
 - 371 (January 2018 – July 2018)
- **Renewed Applications**
 - 1,506 (January 2018 – July 2018)
- **Total COSF Businesses**
 - 1,629 (January 2018 – July 2018)

Permits and Buildings

- **2018 Issued Building Permits** (January 2018 – July 2018)
 - 1,261 Permits
 - 482 Residential
 - 18 Commercial/Industrial
 - 761 Misc.*
- **July 2018 Issued Building Permits**
 - 127 Permits
 - 30 Residential
 - 9 Commercial/Industrial
 - 88 Misc.*

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

Geographic Information System

	Maps	Addressing	Demographics	Data Analysis	Deed/Plat Research	Total Requests
2017 TOTAL	19	18	5	22	12	76
2018 YTD	104	53	14	90	71	332

Department Updates

- ESRI Enterprise Rollout Update – Approved by the South Fulton City Council on August 14, 2018.
- Major Projects
 - Comprehensive Plan Maps – Pending
 - Future Land Use Maps (by district) – Complete
- Fulton County responded to the City’s request for water/sewer related data. A standard data transfer agreement has been submitted and once executed the data will be made available.
- July marked the kick-off of district tours to Districts 1, 3, and 4.

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

July 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

On June 12, 2018 Mayor & Council adopted a moratorium on all zoning applications within Council Districts 2, 4, & 5 effective through September 11, 2018 (a 90-day moratorium). Staff is currently preparing for the drafting of the City's Zoning Resolution and has slated the RFP to be released in mid-September. Staff is awaiting Council's decision as to whether the moratorium will be extended or end at its scheduled date of September 11, 2018.

As of August 22, 2018, a total of 28 zoning related requests have been affected by the 90-day zoning moratorium implemented within Council Districts 2, 4, and 5. The proposed projects included completions of subdivisions that were abandoned during the recession, construction/sales trailers for new subdivisions that have already obtained zoning and started construction, rezonings for new subdivisions, signage, a wedding venue, a water park, a back-to-school event, group homes, rezonings to eliminate split-zoning and archived zoning districts, and rezonings of properties that currently limit the permitted use to one specific use.

Key Considerations

Over the last few months, staff has noted areas where amendments would be necessary. These concerns, and more, will be addressed in the writing of the new Zoning Resolution. Six areas of note that have been identified are:

1. Influx of gas stations: Explore removing gas stations from the list of permitted uses in C-1 so that it's only allowed in C-2 and permit the use in industrial districts; OR explore placing a cap on the number of gas stations per defined distance or Council District
2. Desire for city-wide overlay: Assessing development regulations & general provisions, as an alternative to creating a city-wide overlay
3. Desire for higher-quality businesses: Develop City-wide aesthetic requirements (e.g. building materials including paint materials, use of brick finishings, etc.) for all new construction
4. Condensing zoning classifications: Evaluate the potential of collapsing residential districts, or consider a form-based code (preferred option)
5. Need for more senior housing: Identify areas where senior housing (SH) would be favorable
6. Lack of sidewalks: Consideration of requiring city-wide sidewalks as opposed to within certain overlays

Comprehensive Plan

Staff originally provided a calendar to include an August 28th Work Session presentation to include all provided Zoning Resolution amendments from Council and Staff's reflective recommendations. However, the last in person Council feedback meeting was held on July 29, 2018 causing a delay in implementing the proposed schedule. Staff will provide a written recommendation to amend the schedule by changing the presentation to September 25, 2018.

5. Create and Implement Branding and Messaging

July 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	Consistent Updates

II. “The South Fulton Monthly” E-Newsletter

Current Number of Subscribers	Frequency	Host	Next Issue
2,300	Monthly	Constant Contact	August 31st

III. COSF Social Media

 Twitter Followers: 481 Tweets: 614 Likes: 125	 Instagram Followers: 536 Posts: 251	 Facebook Followers: 649 Posts: Over 350	 Periscope 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: August 22nd

c. Location: The Shops At Camp Creek Village (3220 Butner Rd SW, Atlanta, GA 30331)

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>

e. Upcoming Dates:

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

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29	30	31				

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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

Should you need further information regarding this correspondence, please contact Odie Donald II at odie.donald@cityofsouthfultonga.gov.