



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

REGULAR MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 7:06pm. Following the roll call by the City Clerk, a quorum was present.

2. Invocation

Minutes:

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

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

- 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)**

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Rowell

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Mayor Edwards requested to remove a consent agenda item, letter e. (appointment to the Airport West CID).

A motion was made to approve the consent agenda as amended. The motion passed unanimously.

5. Approval of the Regular Meeting Agenda

Motion (Hold): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Motion a.

A motion was made to hold Ord2018-031 (re: department heads and directors). The motion passed unanimously.

Motion (Approve as Amended): Councilmember khalid

Second: Councilmember Gumbs

[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 approve the regular meeting agenda as amended. The motion passed unanimously.

6. Proclamations and Recognitions

- a. Proclamation recognizing Touch of Life Chiropractic Appreciation Day. **(Rowell and Gumbs)**

Minutes:

PRESENTED

- b. Proclamation recognizing The Old National Day Stop the Violence Community Festival - #CeaseFireSunday, September 2, 2018. **(khalid)**

Minutes:

PRESENTED

7. Public Comment

Minutes:

Councilmember khalid requested a point of personal privilege to recognize Ms. Carol Lamar and Ms. Ashlee Wright (Legislative Specialists) in honor of their birthdays.

The following citizens offered public comment:

- **Mr. Tamahn Jamison (District 7) - on behalf of fellow business owners who live/reside in the city and would like to do business with the city, he recommends that they have first rights to opportunities. In the cases where no CoSF business owner is available, he recommends identifying vendors who have demographics similar to the makeup of the City.**
- **Mr. Keith Perry (District 2) - thank you for hitting the reset button on the sanitation project. The City can now look for a different way of providing sanitation services without the liability, burden or responsibility, e.g. City can set ordinances to allow multiple vendors to operate, and individual homeowners can select their own sanitation services, like they did in Sandy Springs. He recommends charging the sanitation companies a 5% surcharge on all gross receipts. Use the 5% to manage the contract and pay for illegal dumping.**
- **Ms. Glenda Collins (District 5) - thanked Councilmember Jackson for inviting Chief Meadows to their HOA. Regarding people who were affected by the dump truck that tore up utility wires, residents can contact AT&T for an**

adjustment on their bill, even if you must provide a police report.

- **Mr. David Callahan (District 6)** - asked for caution regarding an arbitrary minimum wage for City employees that goes against the market. \$15 is a very high wage and counterproductive for a high school graduate with no vocational skills, trying to get into the market as a first-timer. It may cause a morale problem for an established employee, who is paid near the same wage.

The public comment period was closed.

8. Business

a. Rezoning, Modifications, Variances (Public Hearings)

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.

Motion (Approve as Amended): Mayor Pro Tem Baker

Second: Councilmember Jackson

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff presented M18-003 Applicant (District 7), a request for modification.

Support:

- **Mr. Pete Hendricks** representing the applicant, with **Mr. Tim Jenkins** also present.
- **Gregory Wright**, advisory board member

A motion was made to approve M18-003 (District) based on staff recommendation and under the conditions of the parking lot and the pond moving forward. The motion passed unanimously.

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.

Motion (Continue): Councilmember Gilyard

Second: Councilmember Gumbs

[Motion Passed]

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

Minutes:

Staff recommends hearing the case of M18-004 (District 4), although the Applicant requests a deferral.

Motion a.

A motion was made to not defer (continue) and hear the case of M18-004 (District 4). The motion passed unanimously.

Motion (Withdraw): Councilmember Gilyard

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Minutes:

Staff presented M18-004 Applicant (District 4), a request for modification.

Support:

- **Ms. Michelle Macauley, representing DR Horton**

Motion b.

A motion was made to withdraw case M18-004 (District 4), as requested by the applicant. The motion passed unanimously.

- iii. Request for use permit - **U18-001 Applicant. (District 6)**
Use permit for a private school at 6600 Old National Hwy.

Motion (Approve as Amended): 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:

Staff presented U18-001 Applicant (District 6), a request for use permit.

Support:

- **Mr. Herbert Humphrey, representing the applicant Ms. Edweana Majors.**

Mr. Humphrey indicated that the planning commission did not make the condition of a 5' sidewalk. It was approved to have no more than 50 students. Sidewalks present a problem for the owner and the sidewalks would be an island to themselves. The private school is for 4-6 year old's and would not use the sidewalk because their parents will drop them off and pick them up after school, or transportation will be provided by the school.

A motion was made to approve U18-001 (District 6) as amended, based on staff recommendation and without the condition/inclusion of the sidewalks. The motion passed unanimously.

- 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.

Motion (Defer): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff presented M18-005 Applicant (District 1), a request for modification.

Support:

- **Mr. Jason Sommer, representing the applicant.**

Applicant recommended deferring the case to the next City Council Meeting to allow an opportunity to talk to residents/neighbors regarding the project.

A motion was made to defer the case M18-005 (District 1), in order to allow the applicant an opportunity to speak with residents. The motion passed unanimously.

- 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.

Motion (Withdraw): Councilmember Rowell

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff indicated that V18-005 Applicant (District 1), requests to withdraw their variance application which is no longer needed.

A motion was made to withdraw case V18-005 (District 1), as requested by the applicant. The motion passed unanimously.

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)**

Motion (Hold): Councilmember Willis

Second: Councilmember Jackson

[Motion Failed]

Yea: 3 Jackson, Rowell, Willis

Nay: 4 Baker, Gilyard, Gumbs, khalid

Abstain: 0

Not Voting: 0

Minutes:

Motion a.

A motion was made to hold Res2018-047 (Election Day as an annual holiday) to the next meeting, and give staff time to provide a Financial Impact Statement (FIS). The motion failed, 3-4-0.

Councilmember Willis requested information on the impact to the municipal court calendar, and on the fiscal impact of adding a new holiday.

Councilmember Rowell requested for the process of placing agenda items on the agenda and developing FIS documents be tightened up and revisited.

Motion (Approve): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 1 Rowell

Abstain: 0

Not Voting: 0

Minutes:

Motion b.

A motion was made to approve Res2018-047 (Election Day as an annual holiday). The motion passed, 6-1-0.

- ii. Resolution to encourage compliance with state human trafficking notice requirements, to enhance public safety and for other lawful purposes. **(Willis - Res2018-050)**

Motion (Approve): Councilmember Willis

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve Res2018-050 (Human Trafficking notice requirements). The motion passed unanimously.

Councilmember Willis showed an example of a sign that has been developed. A campaign will be launched in concert with Police Chief Meadows.

As requested by Councilmember Gumbs, the word will get out beginning with a PSA and other means yet to be developed.

- 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)**

Motion (Approve): Mayor Pro Tem Baker

Second: Councilmember khalid

[Motion Failed]

Yea: 3 Baker, Gumbs, khalid

Nay: 4 Gilyard, Jackson, Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve Res2018-051 (Increased minimum wage). The motion failed, 3-4-0.

Councilmember Rowell requested to not look at issues in a vacuum and requested the City Manager to bring back a process/plan for presenting legislation.

Councilmember Willis offered a friendly amendment to hold Res2018-051, until we get more information from the Pay & Class study.

Councilmember khalid stressed sustainability and affordability, and he indicated that the City should be affordable for the people who built it.

Mayor Edwards indicated that a lack of consistent data for each person asked is the reason why we need a FIS.

Mayor Pro Tem Baker indicated that the picture is still being painted for how we (the City) treat the least of these. He also accepts the City Manager's recommendation to do our best by the employees now and send a message to businesses to be prepared to provide quality wages for the citizens/residents. This effort will move the City towards \$15 minimum for wages.

Councilmember Gilyard indicated that we need HR to be more involved (thorough) in the process to see the full impact, and to review the financial impact statement that was previously approved/provided.

- 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)**

Motion (Approve): Councilmember Gumbs

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve Res2018-052 (re: sale of alcoholic beverages - Sunday brunch bill). The motion passed unanimously.

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)**

Minutes:

HELD during the adoption of the agenda, as requested by Councilmember Gumbs.

- 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)**

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Passed]

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

Minutes:

A motion was made to approve Ord2018-032 (re: purchasing and credit cards). The motion passed unanimously.

- 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)**

Motion (Approve): Councilmember Rowell
Second: Mayor Pro Tem Baker
[Motion Passed]

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

Minutes:

A motion was made to approve Ord2018-033 (Public Arts Commission), 3% of the hotel/motel tax collections. The motion passed unanimously.

- 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)**

Minutes:

PRESENTED FOR FIRST READING (HEARD).

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.

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

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

Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

Mr. Antonio Valenzuela of Fulton County Public Works gave a presentation and requested the City Council approve the GDOT LMIG grant request.

Councilmember khalid requested to receive a copy of the list of all streets that are being paved under TSPLOST for future years, a copy of those being paved this year are on his website. Councilmember khalid also requested information regarding GDOT's maintenance responsibility for our right-of-ways after the November transition, as it relates to the City of South Fulton. Mr. Valenzuela indicated that cities are responsible for maintaining anything outside of the road. Councilmember khalid asked the City Manager to factor in the cost for maintaining this extra grass.

In response to Mayor Edwards' request regarding Butner Road resurfacing, Mr. Valenzuela indicated that it would be done under TSPLOST. He also indicated that the resurfacing of Derrick Road would occur this year.

A motion was made to approve the GDOT LMIG submission request on behalf of the City of South Fulton, thereby authorizing the Mayor to sign the Memorandum of Agreement (MOA). The motion passed unanimously.

9. City Manager's Report

a. Monthly City Manager Report to Elected Officials - July 2018

Motion (Authorize): Councilmember Gilyard

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Councilmember Gumbs requested the status of OpenGov. The City Manager indicated that he will follow up with everyone tomorrow regarding OpenGov, including the status of SeeClickFix.

CFO Milazi presented the Mayor's and City Council's budgets, carried over from the Work Session presentations.

Councilmember Gumbs indicated her concerns with the presentation not aligning with prior conversations.

Councilmember Willis asked the City Manager to take a holistic approach for

determining the budget needed for the City Council in consideration of all the training that is needed.

The City Manager indicated that there is a need within the FY18 budget as well. He will right size it for FY18 and FY19.

Councilmember khalid suggested opening a SharePoint document for Council to consider and present what is needed, then present a budget at the special called meeting, tailored to each one of the districts.

Mayor Pro Tem Baker is concerned about staff presenting the documents prematurely.

City Clerk Massey presented the City Clerk's budget.

City Manager Donald presented the City Manager's budget.

A motion was made to authorize the City Manager to write a letter to Fulton County, pertaining to the City's intent to transition Public Works/Transportation, officially on November 5, 2018, or possibly sooner on October 29, 2018. The motion passed unanimously.

Councilmember khalid asked if the 311 operators will be in place prior to the transition of sanitation services. The City Manager indicated that once the budget passes, staff will be prepared to issue an RFP for a system. Councilmember khalid also asked for the personnel budget for the City Manager's office, it was not presented during the budget presentation. Councilmember khalid also indicated that they should have further conversation to explore splitting the CFO and Treasurer roles.

Councilmember Rowell requested a transparent process prior to the anticipated budget approval on September 11, to include a special meeting in the interim if necessary.

10. City Attorney's Report

Motion (Authorize): Councilmember Rowell

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

City Attorney Walker gave a report regarding the following matters:

- **Trucking Ordinance;**
- **LOST proceeds; and,**
- **Special Meeting with presentation of proposals and options.**

In conclusion, the City Attorney recommended a special meeting be held, prior to the next standing meeting scheduled for September 11, to consider the following:

- Budget discussion pertaining to FY2019 reallocations;
- Consideration of a revised trucking ordinance; and,
- Sanitation services options, documents and discussion.

Consensus was reached to utilize a survey (polling) to set a date for a Special Meeting before the September 11 meeting.

A motion was made to authorize the City Attorney to bring back a revised truck ordinance, based on amendments agreed to in a meeting with Fulton County earlier in the day. The motion passed, 6-0-0.

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

Minutes:

NO COMMENTS.

12. Executive Session (CLOSED), if necessary

Minutes:

NO EXECUTIVE SESSION WAS HELD.

13. Adjournment

Motion (Adjourn): Councilmember Gilyard

Second: Councilmember Rowell

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

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

The meeting was adjourned at 9:55pm.



Mark Massey, City Clerk

**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: 8-28-2018

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:

 (Signature)

WILLIAM EDWARDS (Print)

Mayor

8/28/2018 (Date)

SEAL:

ITEM# Agr2018-021 DATE 8 / 28 / 18

20180828

Verify Number

Sworn to and subscribed before me,

This 28th day of August, 2018.

In the presence of:

NOTARY PUBLIC

Margaret F. Fox
My Commission Expires: 10-27-2018



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

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
Road	Stonewall Tell Road	Butner Road	52	2.90	21	\$355,341	Resurfacing
s Road	Stonewall Tell Road	Demooney Road	30	1.28	22	\$228,431	Resurfacing
almetto Highway	Campbellton Road	Highway 92	35	4.60	22	\$716,630	Resurfacing
				9		\$1,300,403	

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

5 ORDINANCE No. 2018-O32
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

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

48
49 **Sec. 1-9002. Purchasing card policy.**

50
51 a. **Purpose.** The purpose of this policy is to set requirements and standards for the
52 City of South Fulton Purchasing Card Program. The policy is not intended to
53 replace current State of Georgia statutes but is intended to comply with such
54 state laws and establish more efficient guidelines for elected officials using such
55 purchasing cards. At no time should a city issued purchasing card or credit card
56 be used for personal purchases regardless of the circumstances. Utilizing the
57 purchasing card or credit card for personal use or for any item or service not
58 directly related to such official's public duty may result in disciplinary action
59 including, but not limited to, felony criminal prosecution. All purchases utilizing a
60 city purchasing card or city credit card must be in accordance with these
61 guidelines and with state law.

62
63 b. **Scope.** This purchasing card policy, as set forth under O.C.G.A. § 36-80-24(c),
64 authorizes the use of city purchasing and credit cards by the persons named
65 below who shall abide by all applicable local, state and federal laws concerning
66 such use:

67
68 1. Mayor and City Council

69
70 3. City Manager

71
72 4. Department Heads

73
74 c. **Public inspection.** In accordance with O.C.G.A. § 36-80-24(b), any documents
75 related to purchases using city purchasing cards or city credit cards shall be
76 available for public inspection.

77
78 d. **Transaction limits.** Transaction limits are hereby established to insure
79 compliance with state purchasing laws, maintain proper budgetary controls, and
80 to minimize excessive use of any individual credit line. The single transaction
81 limit for each individual credit line shall be up to \$1,000. The monthly card limit
82 for each individual credit line shall not to exceed \$5,000 per month. Both limits
83 will be extended only with the use of purchase order authorized by the chief
84 financial officer.

85
86 e. **Purchasing restrictions.** City officials and personnel may not use a city
87 purchasing card or city credit card for the following:

88
89 a. Any purchases of items for personal use.

90
91 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.

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

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

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

193
194 **Section 5. Instruction to City Clerk.** Unless vetoed, the City Clerk is hereby
195 directed to forward a copy of this ordinance to the city finance department.

The foregoing **ORDINANCE No. 2018-032**, adopted on **August 28, 2018** was offered by Councilmember **Rowell**, who moved its approval. The motion was seconded by Councilmember **Gumbs**, and being put to a vote, the result was as follows:

“SECOND READING”

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

285 THIS ORDINANCE adopted this 28th day of August 2018. CITY OF SOUTH
286 FULTON, GEORGIA.
287
288
289

290 "SECOND READING"
291

292 
293
294
295 WILLIAM "BILL" EDWARDS, MAYOR
296
297
298
299

300
301 ATTEST:
302

303 
304
305 MARK MASSEY, CITY CLERK
306
307



308 ITEM# ord 2018-032 DATE 8/28/2018
309
310
311

312 APPROVED AS TO FORM:
313

314 
315
316 EMILIA C. WALKER, CITY ATTORNEY
317
318
319

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:

- 123 a. Individual artist
- 124 b. Arts organizations
- 125 c. Arts patrons
- 126 d. Educators
- 127 e. The business community
- 128 f. General public

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

135 **Sec. 11-8004. Commission quorum.**

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

138 **Sec. 11-8005. Commission meeting and reporting.**

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

144 **Sec. 11-8006. Duties and functions.**

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

- 146 1. Advocate for the role and value of arts in civic life and promote greater public
147 participation in, and access to public art.
- 148 2. Oversee funding allocations in support of non-profit arts and culture
149 organizations, artists, festivals and artworks in public development;
- 150 3. Oversee artworks owned and controlled by the city to contribute to the quality of
151 life, the economic vitality and the vibrancy of the city;
- 152 4. Make recommendations for city funding to the city council using objective criteria
153 and evaluation panels, as appropriate;
- 154 5. Serve in and advisory capacity on projects and programs designed to promote
155 the arts in public places throughout the city and encourage the private sector to
156 include the arts in private developments; and
- 157 6. Serve as the city's federal and state local arts program liaison.
- 158 7. Advise on the acquisition and placement of works of art on city property.
 - 159 a. No work of art shall be installed or removed from public areas of city property
160 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.

The foregoing **ORDINANCE No. 2018-033**, adopted on **August 28, 2018** was offered by Councilmember **Rowell**, who moved its approval. The motion was seconded by **Mayor Pro Tem Baker**, and being put to a vote, the result was as follows:

“SECOND READING”

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

THIS ORDINANCE adopted this 28th day of August 2018. CITY OF SOUTH FULTON, GEORGIA.

"SECOND READING"


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



ITEM# Ord 2018-032 DATE 8/28/2018

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY

**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 **August 28, 2018**, was offered by Councilmember **khalid**, who moved its approval. The motion was seconded by **Mayor Pro Tem Baker**, 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 **28th** day of **August 2018**. **CITY OF SOUTH FULTON, GEORGIA.**

Became law - Monday, Sept. 17, 2018
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



ITEM# Res 2018-047 DATE 8/28/2018

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY

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.

The foregoing RESOLUTION No. **2018-050**, adopted on **August 28, 2018** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by **Mayor Pro Tem Baker**, 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 **28th** day of **August 2018**. CITY OF SOUTH FULTON,
GEORGIA.



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

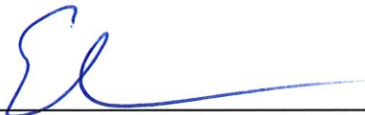


MARK MASSEY, CITY CLERK



ITEM# Res 2018-050 DATE 8 / 28 / 2018

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY

1 STATE OF GEORGIA

2 COUNTY OF FULTON

3 CITY OF SOUTH FULTON

8/28/2018 - FAILED

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

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

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

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.

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.

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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

NAY

FAILED

THIS RESOLUTION failed this **28th** day of **August 2018**. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

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
()	NO	beverages for beverage purposes by the drink from
		11:00 A.M. to 12:30 P.M.?"

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 **August 28, 2018** was
108 offered by Councilmember **Gumbs**, who moved its approval. The motion was seconded
109 by **Mayor Pro Tem Baker**, and being put to a vote, the result was as follows:
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111

	AYE	NAY
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113		
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		
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THIS RESOLUTION adopted this **28th** day of **August 2018**. CITY OF SOUTH FULTON, GEORGIA.



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



ITEM# Res 2018-052 DATE 8 / 28 / 2018

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY