



## **PUBLIC NOTICE**

**The Mayor and City Council invite you to  
our next City Council Meetings**

**TUESDAY, JULY 11, 2017**

**5:00 PM – Work Session  
7:00 PM – Regular Meeting**

**South Fulton Service Center Auditorium  
5600 Stonewall Tell Road  
College Park, GA 30349**

If you have any questions or concerns, please contact the City of South Fulton, City Hall at [www.cityofsouthfultonga.gov](http://www.cityofsouthfultonga.gov) or call 470-809-7700.



# **DIVIDER SHEET**

**CITY OF SOUTH FULTON, GEORGIA**  
**South Fulton Service Center Auditorium, 5600 Stonewall Tell Road**  
**Tuesday, July 11, 2017, 5:00pm**



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**The Honorable William “Bill” Edwards, Mayor**  
**The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem**  
**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**  
**The Honorable Mark Baker, District 7 Councilmember**

### **WORK SESSION AGENDA**

1. Review of the July 11, 2017 Regular Meeting Agenda
2. Other discussion

**CITY OF SOUTH FULTON, GEORGIA**  
**South Fulton Service Center Auditorium, 5600 Stonewall Tell Road**  
**Tuesday, July 11, 2017, 7:00pm**



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**The Honorable William “Bill” Edwards, Mayor**  
**The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem**  
**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**  
**The Honorable Mark Baker, District 7 Councilmember**

**REGULAR MEETING AGENDA**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
  - a. Meeting Minutes – Tuesday, June 27, 2017
5. Approval of the Regular Meeting Agenda
6. Proclamations and Recognitions
  - a. Proclamation recognizing Patrick & Ishtar Muhammad and Your Faith Farms Appreciation Day. **(Gilyard)**
7. Public Comment
  - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

**CITY OF SOUTH FULTON, GEORGIA**  
**South Fulton Service Center Auditorium, 5600 Stonewall Tell Road**  
**Tuesday, July 11, 2017, 7:00pm**

8. Business

a. Resolution

- i. Resolution Imposing an Additional 90 Day Zoning Moratorium on all Zoning Applications for property within the City of South Fulton (**Res2017-031**).

b. Ordinances

- i. **[SECOND READING]** Ordinance to Recognize Act Number 421 of the 2016 Session of the Georgia General Assembly as the Charter of the City of South Fulton; to Provide an Effective Date; and for Other Purposes (**Ord2017-001, April 29, 2017**);
- ii. **[SECOND READING]** Ordinance to Adopt a Code of Ordinances for the City of South Fulton (**Ord2017-002, April 29, 2017**);
- iii. **[SECOND READING]** Adoption of Ordinances Governing City Council Meetings - Operational Ordinances (**Ord2017-003, April 29, 2017**);
- iv. **[SECOND READING]** Adoption of Ordinance establishing the Planning Commission for the City of South Fulton (**Ord2017-010, June 27, 2017**);
- v. **[SECOND READING]** Adoption of Ordinance establishing the Zoning Board of Appeals for the City of South Fulton (**Ord2017-011, June 27, 2017**);
- vi. **[SECOND READING]** Adoption of Ordinance establishing the Board of Code Enforcement for the City of South Fulton (**Ord2017-012, June 27, 2017**);
- vii. **[SECOND READING]** Adoption of Ordinance establishing Building Regulations (**Ord2017-013, June 27, 2017**); and,
- viii. **[FIRST READING]** Adoption of Ordinance amending Section 3-0001(e) of the City of South Fulton Code of Ordinances by revising the Building Code to include new

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requirements for classifying construction based on  
building height **(Ord2017-014)**.

c. Other Action Items

- i. Request approval of the Employee Holiday Calendar.
- ii. Request approval of the following Board Appointments:
  1. Planning Commission
    - a. Mr. Harold E. Reid **(Edwards)**
    - b. Ms. Pamela C. Harvey **(Willis)**
    - c. Mr. Winston Cook **(Jackson)**
  2. Zoning Board of Appeals
    - a. Mr. Aaron V. Johnson **(Edwards)**
    - b. Mr. DeAndre' Mathis **(Willis)**
    - c. Ms. Regina Ann Mincey **(Gilyard)**
    - d. Mr. Michael Venable **(Jackson)**
  3. Board of Code Enforcement
    - a. Ms. Jennifer C. Thompson **(Edwards)**
    - b. Mr. Joe Thomas **(Willis)**
    - c. Ms. Stacey L. Collier **(Gilyard)**
    - d. Ms. Mary Criss **(Jackson)**

d. Presentations & Discussions

- i. Code Enforcement - Pay & Class; and,
- ii. Recruitment Plans for Police Chief and City Manager.

9. City Manager's Weekly Update

- a. Solid Waste Update
- b. Hiring Update

10. Other (New) Business

11. Mayor and City Council Comments

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12. Executive Session (CLOSED), if necessary
13. Adjournment

**City of South Fulton**  
**City Hall**  
**5440 Fulton Industrial Blvd SW**  
**Atlanta, GA 30336**  
**470.809.7700**



# **DIVIDER SHEET**



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

### **WORK SESSION AGENDA**

1. Review of the June 13, 2017 Regular Meeting Agenda

**The meeting was called to order by Mayor Edwards at 5:00pm.**

**City Attorney representative Brian Lake began with an explanation regarding the Resolution pertaining to Comcast.**

- a. **A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to move Res2017-026 (Comcast) to the consent agenda. The motion passed unanimously.**

**Mayor Edwards requested that Res2017-030 (Intergovernmental Agreement/IGA with Fulton County) be moved to Executive Session. Hearing no objections, it was so ordered.**

- b. A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to amend the effective date of Ord2017-008 (Business and Occupation Taxation Ordinance) to October 1, 2017. The motion passed unanimously.**
- c. A motion was made by Councilmember Baker and seconded by Councilmember Gumbs to move Ord2017-008 (Business and Occupation Taxation Ordinance) to the consent agenda. The motion passed unanimously.**
- d. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to move Ord2017-009 (Excise Taxation of Adult Beverages) to the consent agenda. The motion passed unanimously.**
- e. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Jackson to set the compensation for the Planning Commission appointees, up to \$155/month for two meetings, the same as it is currently with Fulton County. The motion passed unanimously.**

**Mayor Edwards cautioned everyone to make sure that the rules/requirements for compensation be enforced.**

- f. A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to amend the term of the Planning Commission appointees from no more than two (2) terms to no more than three (3) terms, consecutive or nonconsecutive. The motion passed unanimously.**
- g. A motion was made by Councilmember khalid and seconded by Councilmember Baker to amend the role of the Mayor's appointee with respect to Ord2017-010 (Planning Commission),**

**Ord2017-011 (Zoning Board of Appeals) and Ord2017-12 (Code Enforcement Board), whereby the Mayor's appointee only votes in the case of a tie. The motion passed unanimously.**

- h. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to automatically terminate an appointees term/seat on any of the three (3) Boards referenced above if an appointee misses three (3) consecutive meetings or if they miss a total of 75% of the meetings within a calendar year. Hearing no objections, the motion passed.**
- i. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to amend the language requiring basic Building Code standards for apartment complexes with steel framing construction (Ord2017-013). Councilmember khalid made a friendly amendment to amend it to only buildings over three (3) stories. The friendly amendment was not accepted. Mayor Pro Tem Rowell, and Councilmembers Gumbs, Willis, Jackson and Baker voted yea. Councilmembers Gilyard and khalid voted no.**

**2. Other discussion**

**None**

**Mayor Edwards adjourned the Work Session at 6:13pm.**



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

**REGULAR MEETING MINUTES**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
  - a. Meeting Minutes – Tuesday, June 13, 2017
  - b. Meeting Minutes – Tuesday, June 20, 2017
  - c. Proclamations
    - i. 100<sup>th</sup> Birthday Celebration of Mrs. Katie Sue Dennis Wimbish - Centenarian **(Edwards)**

A motion was made by Councilmember Gilyard and seconded by Councilmember Willis to approve the Consent Agenda as amended, including Res2017-026, Ord2017-008 and Ord2017-009. The motion passed unanimously.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to approve the Regular Meeting Agenda as amended, to include moving the IGA Res2017-030 to the Executive Session regarding Real Estate, Personnel and Litigation. The motion passed unanimously.

6. Proclamations and Recognitions

- a. Proclamation recognizing Pastor Warren L. Henry Sr. Appreciation Day. **(Willis)**

**PRESENTED**

- b. Proclamation recognizing Gary Davis – Next Level Boys Academy Appreciation Day. **(Baker)**

**PRESENTED**

7. Public Comment

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

**The following speakers offered public comment:**

- College Park Councilman Joe Carnes (Congratulations and mutual aid, picking a Police Chief, and church/worship)
- Ms. Ranada Robinson (Congratulations, commitment to partner with the City and Alpha Kappa Alpha Tau Epsilon Omega chapter programs and services)
- Mr. Frederick Vann (volunteer work and trash needs to be picked up in the City)

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- **Mr. Michael Venable (Planning & Community Development injustices, with respect to Zoning & Appeals boards (both should be advisory in nature), appointees need to come from the respective Districts)**
- **Ms. Melissa Patterson (trash problem on exit 66 Flat Shoals and on Old National, lawn grooming needed)**
- **Mr. Marcus Coleman (partnering with the City of Union City on the Hapeville Charter Academy practice facility for safety of youth athletes, Union and Butner Road crossing where a flashing light is needed, and in preparation of the new police department be proactive about vetting process to include psych evaluations)**

**8. Business**

**a. Resolutions**

- i. **Resolution approving a cable television franchise agreement between the City of South Fulton and Comcast of Georgia/Michigan, LP (Res2017-026); and,**

**APPROVED UNDER CONSENT AGENDA**

- ii. **Resolution approving the Intergovernmental Agreement (IGA) between the City of South Fulton and Fulton County (Res2017-030).**

**DISCUSSED IN EXECUTIVE SESSION**

**b. Ordinances**

- i. **Adoption of Business and Occupation Taxation Ordinance (Ord2017-008); [THIRD READING]**

**APPROVED UNDER CONSENT AGENDA, AMENDING THE EFFECTIVE DATE OF THE ORDINANCE TO OCTOBER 1, 2017**

- ii. **Adoption of Excise Taxation of Adult Beverages Ordinance (Ord2017-009); [SECOND READING]**

**APPROVED UNDER CONSENT AGENDA**

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- iii. Adoption of Ordinance establishing the Planning Commission for the City of South Fulton **(Ord2017-010); [FIRST READING]**

**PRESENTED**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to align the Planning Commission attendance requirements with the Zoning Board of Appeals attendance requirements as stated by Counsel, *“any member cannot miss three (3) consecutive meetings or 75% of the meetings in a calendar year.”* The motion passed unanimously.

In addition, appointees will have three (3) consecutive or nonconsecutive terms, to run concurrent with the term of the appointing Mayor or Councilmember, similar to the terms on the Zoning Board of Appeals and the Code Enforcement Board.

- iv. Adoption of Ordinance establishing the Zoning Board of Appeals for the City of South Fulton **(Ord2017-011); [FIRST READING]**

**PRESENTED**

- v. Adoption of Ordinance establishing the Code Enforcement Board for the City of South Fulton **(Ord2017-012); [FIRST READING] and,**

**PRESENTED**

As requested by Councilmember khalid, if Code Enforcement matters are alternatively heard by the Municipal Court, the Building Commission could decide certain issues of variance or waiver pertaining to the Building Code, much like the Planning Commission can do with the Zoning Code.

vi. Adoption of Ordinance establishing Building Regulations  
(Ord2017-013). **[FIRST READING]**

**PRESENTED**

**Mayor Edwards requests that something needs to be included around the issue of recidivism on the reoccurring violations and the attractive nuisances (vacant and boarded-up houses), without passing the costs onto the taxpayers.**

**Mayor Pro Tem Rowell requested the Attorney to look at commercial properties, specifically with changes in property ownership to avert appearing as a repeat offender.**

**Mayor Edwards would like to have a rental inspection program that charges landlords/owners a fee to be on a list, especially the owners who fix up multiple dwelling places and rent them out. This program will also help the code inspectors with respect to locating the actual owners.**

**Councilmember Jackson would like to see an Ordinance with respect to a dwelling that is uninhabitable, the City will not liable for relocation.**

**9. City Manager's Weekly Update**

**The City Manager gave a verbal report highlighting certain aspects of a more detailed written report that was submitted to Council; including kudos to her staff for their work performance to date; a meeting with Fulton County COO Todd Long to discuss the asset list; a need for permitting and code enforcement historical data; a review of applications received for advertised positions; a speaking engagement to the graduating class of the Fire department; information technology needs and specs; advertising of RFPs on the website; the overall Planning staff transition; migrating over data and processes needed for Planning; activities with respect to video-**

recording of Council meetings; future new hires in the areas of communications and purchasing; 2018 budget pre-planning; LOST revenue expected on Friday, June 30; six individuals from Planning have met with HR staff to coordinate transitioning over to the City; and, she recognized the award recently received by Anquilla Henderson, Associate HR Director, for receiving a 2017 Top 25 Workforce Game Changer award.

10. Other (New) Business
11. Mayor and City Council Comments

**All Councilmembers made announcements or statements regarding activities held or upcoming in their respective districts.**

**Whereupon a motion was made by Councilmember Willis and seconded by Councilmember Jackson to adjourn for Executive Session. Hearing no objection that motion passed. The meeting recessed at 8:32pm.**

12. Executive Session (CLOSED), if necessary

**An Executive Session was held regarding Real Estate, Personnel and Litigation.**

- a. **A motion was made by Mayor Edwards and seconded by Councilmember Gumbs to close the Executive Session regarding Real Estate, Personnel and Litigation. Hearing no objection that motion passed.**

**The following actions were reported in public, upon adjournment of the Executive Session:**

- b. **A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve the IGA between the City of South Fulton and Fulton County. The motion passed unanimously.**
- c. **A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to direct the City**

**Manager to complete a plan with all activities and timelines for the transition of Police over to the City, along with the City Attorney preparing a draft transmittal letter addressed to the County indicating the City's interest to transition Police services. The motion passed unanimously.**

- d. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to direct the City Manager to develop a plan with proposed dates for the transition of all departments over to the City. The motion passed unanimously.**
- e. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to direct the City Manager/HR to prepare a pay & scale report for all those positions currently being advertised for presentation at the July 11 Work Session. The motion passed unanimously.**
- f. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Jackson to request a recommendation from HR regarding the best approach for recruiting the Police Chief position and development of a job description for presentation at the July 11 Work Session. A friendly amendment was made by Councilmember khalid to include a recommendation for recruitment of the City Manager position and development of a job description. The friendly amendment was accepted. Councilmembers Gumbs, Gilyard, Jackson and khalid voted yea. Mayor Pro Tem Rowell, Councilmember Willis and Baker voted no. The motion passed.**
- g. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to utilize funding through the IGA to have someone from the County's Police Department to serve in the capacity of City Commander or to work directly with the City and be named by the City. Mayor Pro Tem Rowell, and Councilmembers Gumbs,**

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**Willis and Jackson voted yea. Councilmembers Gilyard, khalid and Baker voted no. The motion passed.**

**13. Adjournment**

**Mayor Edwards to entertained a motion to adjourn. A motion was made by Councilmember Baker and seconded by Councilmember khalid to adjourn. Hearing no objections, the meeting adjourned at 10:26pm.**

**City of South Fulton  
City Hall  
5440 Fulton Industrial Blvd SW  
Atlanta, GA 30336  
404-344-6935**



# **DIVIDER SHEET**



## **City of South Fulton**

**WHEREAS**, Patrick S. Muhammad and his family reside on a 30 acre farm called Your Faith Farms (YFF) in the City of South Fulton off Jones Road. The Muhammad family is one of the largest African American landowners in South Fulton; and

**WHEREAS**, the Muhammad's have been residents of South Fulton for the past 10 years, and they stepped out on faith to purchase a farm and haven't looked back. "It's real work, but they enjoy every minute of it." For almost four years they have raised grass fed beef, lamb, free range chickens and a 5 acre vegetable and fruit garden; and

**WHEREAS**, during the Spring of 2015, Your Faith Farms collaborated with a local youth soccer league (Amazon Sports) to use the pastures as a temporary soccer field to allow energetic youth ages 3 to 18 to play soccer.

**WHEREAS**, Your Faith Farms is now in high gear approaching the first growing season of 2017. With knowledge that the key to a plentiful harvest is the proper preparation of your seedlings, Your Faith Farms is raising some 5000 seedlings of various plants and installing their first "hoop house" or wind tunnel for year long growing; thereby increasing the local production of vegetables by 40% this season.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of the City of South Fulton congratulate Patrick and Ishtar Muhammad and Your Faith Farms do hereby proclaim Tuesday, July 11, 2017, as "**PATRICK AND ISHTAR MUHAMMAD AND YOUR FAITH FARMS APPRECIATION DAY**" in the City of South Fulton, Georgia.

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Councilmember Nacema Gilyard



# **DIVIDER SHEET**

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

**RESOLUTION NO. 2017-031**

**A RESOLUTION IMPOSING AN ADDITIONAL 90 DAY MORATORIUM ON  
ALL ZONING APPLICATIONS FOR PROPERTY WITHIN THE CITY OF  
SOUTH FULTON**

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

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

**WHEREAS**, the City’s zoning power allows for, among other things, obtaining rezoning of land, including a change in conditions that constitutes a zoning decision of the governing body;

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

**WHEREAS**, the Mayor and City Council continue to study and make independent decisions on the matters of city planning and zoning within the City;

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

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

**WHEREAS**, the Mayor and City Council find that an additional ninety (90) day period of time to conduct review of the zoning provisions is a reasonable period of time.

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

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. During the period within the moratorium, the Mayor and City Council shall continue to study and consider revisions to the City’s zoning ordinances, which it adopted from Fulton County on April 29, 2017, effective May 1, 2017;
3. During the period within the moratorium, no applications for a rezoning, zoning variance, or other change in zoning shall be reviewed, discussed, or adopted by the Mayor and City Council;

4. During the period within the moratorium, no applications for a rezoning, zoning variance, or other change in zoning shall be accepted by Fulton County on behalf of the City of South Fulton;
5. This moratorium covers any applications for rezoning, zoning variance, or change in zoning sought to be filed at any time on or after July 30, 2017;
6. The moratorium shall commence at midnight on July 30, 2017 and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and City Council;
7. In the event that any one or more of the provisions contained in this Resolution or Moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this resolution or moratorium but this resolution and moratorium shall be construed as if such invalid, illegal, or unenforceable provision has never been contained herein.
8. The within resolution and moratorium shall become effective on May 1, 2017.

The foregoing Resolution No. **2017-031** 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           | _____ | _____ |
| Catherine Foster Rowell (Mayor Pro Tem) | _____ | _____ |
| Carmalitha Lizandra Gumbs               | _____ | _____ |
| Helen Zenobia Willis                    | _____ | _____ |
| Gertrude Naeema Gilyard                 | _____ | _____ |
| Rosie Jackson                           | _____ | _____ |
| khalid kamau                            | _____ | _____ |
| Mark Baker                              | _____ | _____ |

THIS RESOLUTION adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF  
SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

**Ordinance No. 2017-001**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, TO RECOGNIZE ACT NUMBER 421 OF THE 2016 SESSION OF THE GEORGIA GENERAL ASSEMBLY AS THE CHARTER OF THE CITY OF SOUTH FULTON; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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

- SECTION I:** Act No. 421, 2016 p. 3726, is the Charter of the City of South Fulton, and it shall be maintained with the City Clerk and codified as Part I of the City of South Fulton Code of Ordinances.
- SECTION II:** A copy of the Charter of the City of South Fulton is incorporated into this Ordinance and attached as "Appendix 1."
- SECTION III:** It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made part of The Code of the City of South Fulton, Georgia, and the codifier is authorized to make specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.
- SECTION IV:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- SECTION V:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.
- SECTION VI:** This Ordinance shall become effective on May 1, 2017.

**APPROVED AND ADOPTED** this 29<sup>th</sup> day of April, 2017.

The foregoing Ordinance No. Ord 2017-001 was offered by Councilmember Baker, who moved its approval. The motion was seconded by Councilmember Gumbs, and being put to a vote, the result was as follows:

|                                               | AYE                                 | NAY                      |
|-----------------------------------------------|-------------------------------------|--------------------------|
| William "Bill" Edwards, Mayor                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Catherine Foster Rowell, <i>Mayor Pro Tem</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carmalitha Lizandra Gumbs                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Zenobia Willis                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gertrude Naeema Gilyard                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Rosie Jackson                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Khalid kamau                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mark Baker                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**\*\* The Title Mayor Pro Tem will be added behind the name of the person selected.**

*Ordinance*  
THIS ~~RESOLUTION~~ adopted this 29th day of April, 2017. **CITY OF SOUTH FULTON,  
GEORGIA**

*[Signature]*

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

*[Signature]*

*Mark Massey*, INTERIM CITY CLERK  
APPROVED AS TO FORM:

*[Signature]*  
*Josh Belinfante*

INTERIM CITY ATTORNEY



## **APPENDIX 1**

House Bill 514 (AS PASSED HOUSE AND SENATE)

By: Representatives Bruce of the 61<sup>st</sup>, Fludd of the 64<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Mabra of the 63<sup>rd</sup>, Jones of the 53<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To incorporate the City of South Fulton in Fulton County, Georgia; to provide a charter for  
2 the City of South Fulton; to provide for incorporation, boundaries, and powers of the city;  
3 to provide for a governing authority of such city and the powers, duties, authority, election,  
4 terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal  
5 from office relative to members of such governing authority; to provide for inquiries and  
6 investigations; to provide for organization and procedures; to provide for ordinances and  
7 codes; to provide for the offices of mayor and city manager and certain duties and powers  
8 relative to those offices; to provide for administrative responsibilities; to provide for boards,  
9 commissions, and authorities; to provide for a city attorney, a city clerk, a city treasurer, and  
10 other personnel; to provide for rules and regulations; to provide for a municipal court and the  
11 judge or judges thereof; to provide for practices and procedures; to provide for taxation and  
12 fees; to provide for franchises, service charges, and assessments; to provide for bonded and  
13 other indebtedness; to provide for accounting and budgeting; to provide for purchases; to  
14 provide for the sale of property; to provide for general homestead exemption; to provide for  
15 bonds for officials; to provide for definitions and construction; to provide for other matters  
16 relative to the foregoing; to provide for a referendum; to provide effective dates; to provide  
17 for transition of powers and duties; to provide for directory nature of dates; to provide for a  
18 charter commission; to provide for severability; to repeal conflicting laws; and for other  
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I  
22 INCORPORATION AND POWERS

23 SECTION 1.10.

24 Incorporation.

25 The City of South Fulton in Fulton County is incorporated by the enactment of this charter  
26 and is constituted and declared a body politic and corporate under the name of the "City of  
27 South Fulton." References in this charter to "the city" or "this city" refer to the City of South  
28 Fulton. The city shall have perpetual existence.

29 SECTION 1.11.

30 Corporate boundaries.

31 The boundaries of the City of South Fulton shall include all unincorporated areas of Fulton  
32 County, including the Fulton County Industrial District, as such exist on July 1, 2016;  
33 provided, however, that, if the local constitutional amendment establishing the Fulton County  
34 Industrial District is not repealed or determined judicially to be of no force and effect prior  
35 to the first municipal election being conducted under this charter, the Fulton County  
36 Industrial District shall not become a part of the City of South Fulton. The boundaries of the  
37 city are more particularly described in Appendix A, attached to and made a part of this  
38 charter. The city clerk shall maintain a current map and written legal description of the  
39 corporate boundaries of the city, and such map and description shall incorporate any changes  
40 which may hereafter be made in such corporate boundaries.

41 SECTION 1.12.

42 Municipal powers.

43 (a) This city shall have all powers possible for a city to have under the present or future  
44 Constitution and laws of this state as fully and completely as though they were specifically  
45 enumerated in this charter. This city shall have all the powers of self-government not  
46 otherwise prohibited by this charter or by general law.

47 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
48 mention or failure to mention particular powers shall not be construed as limiting in any way  
49 the powers of this city. Said powers shall include, but are not limited to, the following:

50 (1) Air and water pollution and environmental issues. To regulate the emission of smoke  
51 or other exhaust which pollutes the air and to prevent the pollution of natural streams

- 52 which flow within the corporate limits of the city and to regulate any other environmental  
53 matters that would affect the quality of life within the boundaries of the city;
- 54 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at  
55 large of animals and fowl and to provide for the impoundment of same if in violation of  
56 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
57 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
58 provide punishment for violation of ordinances enacted under this paragraph;
- 59 (3) Appropriations and expenditures. To make appropriations for the support of the  
60 government of the city; to authorize the expenditure of money for any purposes  
61 authorized by this charter and for any purpose for which a municipality is authorized by  
62 the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- 63 (4) Building regulations. To regulate and to license the erection and construction of  
64 buildings and all other structures not inconsistent with general law; to adopt building,  
65 housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate  
66 all housing and building trades except as otherwise prohibited by general law;
- 67 (5) Business regulation and taxation. To levy and to provide for the collection of license  
68 fees and taxes on privileges, occupations, trades, and professions; to license and regulate  
69 the same; to provide for the manner and method of payment of such licenses and taxes;  
70 and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- 71 (6) Condemnation. To condemn property, inside or outside the corporate limits of the  
72 city, for present or future use and for any corporate purpose deemed necessary by the  
73 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such  
74 other laws as are or may hereafter be enacted;
- 75 (7) Contracts. To enter into contracts and agreements with other governments and  
76 entities and with private persons, firms, and corporations;
- 77 (8) Emergencies. To establish procedures for determining and proclaiming that an  
78 emergency situation exists inside or outside the city and to make and carry out all  
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (9) Environmental protection. To protect and preserve the natural resources,  
82 environment, and vital areas of the city, the region, and the state through the preservation  
83 and improvement of air quality, the restoration and maintenance of water resources, the  
84 control of erosion and sedimentation, the management of storm water and establishment  
85 of a storm-water utility, the management of solid and hazardous waste, and other  
86 necessary actions for the protection of the environment;
- 87 (10) Ethics. To adopt ethics ordinances and regulations governing the conduct of  
88 municipal elected officials, appointed officials, and employees, establishing procedures

- 89 for handling ethics complaints, and setting forth penalties for violations of such rules and  
90 procedures;
- 91 (11) Fire regulations. To fix and establish fire limits and from time to time to extend,  
92 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with  
93 general law relating to both fire prevention and detection and to fire fighting; and to  
94 prescribe penalties and punishment for violations thereof;
- 95 (12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
96 and disposal and other sanitary service charge, tax, or fee for such services as may be  
97 necessary in the operation of the city from all individuals, firms, and corporations  
98 residing in or doing business within the city and benefiting from such services; to enforce  
99 the payment of such charges, taxes, or fees; and to provide for the manner and method  
100 of collecting such service charges;
- 101 (13) General health, safety, and welfare. To define, regulate, and prohibit any act,  
102 practice, conduct, or use of property which is detrimental to the health, sanitation,  
103 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
104 enforcement of such standards;
- 105 (14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
106 any purpose related to the powers and duties of the city and the general welfare of its  
107 citizens on such terms and conditions as the donor or grantor may impose;
- 108 (15) Health and sanitation. To prescribe standards of health and sanitation within the  
109 city and to provide for the enforcement of such standards;
- 110 (16) Homestead exemption. To establish and maintain procedures for offering  
111 homestead exemptions to residents of the city as authorized by Act of the General  
112 Assembly;
- 113 (17) Jail sentences. To provide that persons given jail sentences in the municipal court  
114 may work out such sentences in any public works or on the streets, roads, drains, and  
115 other public property of the city; to provide for the commitment of such persons to any  
116 jail; to provide for the use of pretrial diversion and any alternative sentencing allowed by  
117 law; or to provide for the commitment of such persons to any county work camp or  
118 county jail by agreement with the appropriate county officials;
- 119 (18) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
120 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
121 of the city;
- 122 (19) Municipal agencies and delegation of power. To create, alter, or abolish  
123 departments, boards, offices, commissions, and agencies of the city and to confer upon  
124 such agencies the necessary and appropriate authority for carrying out all the powers  
125 conferred upon or delegated to the same;

- 126 (20) Municipal debts. To appropriate and borrow money for the payment of debts of the  
127 city and to issue bonds for the purpose of raising revenue to carry out any project,  
128 program, or venture authorized by this charter or the laws of the State of Georgia;
- 129 (21) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
130 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
131 outside the property limits of the city;
- 132 (22) Municipal property protection. To provide for the preservation and protection of  
133 property and equipment of the city and the administration and use of same by the public;  
134 and to prescribe penalties and punishment for violations thereof;
- 135 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
136 of public utilities, including, but not limited to, a system of waterworks, sewers, and  
137 drains, sewage disposal, gas works, electric plants, transportation facilities, public  
138 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,  
139 assessments, regulations, and penalties therefor; and to provide for the withdrawal of  
140 service for refusal or failure to pay the same; and to authorize the extension of water,  
141 sewerage, and electrical distribution systems, and all necessary appurtenances by which  
142 said utilities are distributed, inside and outside the corporate limits of the city; and to  
143 provide utility services to persons, firms, and corporations inside and outside the  
144 corporate limits of the city as provided by ordinance;
- 145 (24) Nuisances. To define a nuisance and provide for its abatement whether on public  
146 or private property;
- 147 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
148 the authority of this charter and the laws of the State of Georgia;
- 149 (26) Planning and zoning. To provide comprehensive city planning for development by  
150 zoning and to provide subdivision regulation and the like as the city council deems  
151 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 152 (27) Police and fire protection. To exercise the power of arrest through duly appointed  
153 police officers and to establish, operate, or contract for a police and a fire-fighting  
154 agency;
- 155 (28) Public hazards; removal. To provide for the destruction and removal of any  
156 building or other structure which is or may become dangerous or detrimental to the  
157 public;
- 158 (29) Public improvements. To provide for the acquisition, construction, building,  
159 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
160 cemeteries, markets and market houses, public buildings, libraries, public housing,  
161 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
162 recreational, conservation, sport, curative, corrective, detentional, penal, and medical

163 institutions, agencies, and facilities; to provide any other public improvements inside or  
164 outside the corporate limits of the city; to regulate the use of public improvements; and,  
165 for such purposes, property may be acquired by condemnation under Title 22 of the  
166 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

167 (30) Public peace. To provide for the prevention and punishment of loitering, disorderly  
168 conduct, drunkenness, riots, and public disturbances;

169 (31) Public transportation. To organize and operate or contract for such public  
170 transportation systems as are deemed beneficial;

171 (32) Public utilities and services. To grant franchises or make contracts for public  
172 utilities and public services and to prescribe the rates, fares, regulations, and the standards  
173 and conditions of service applicable to the service to be provided by the franchise grantee  
174 or contractor, insofar as not in conflict with valid regulations of the Public Service  
175 Commission;

176 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,  
177 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
178 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
179 roads or within view thereof, inside or abutting the corporate limits of the city and to  
180 prescribe penalties and punishment for violation of such ordinances;

181 (34) Retirement. To provide and maintain a retirement plan for officers and employees  
182 of the city;

183 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
184 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
185 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
186 walkways within the corporate limits of the city; and to negotiate and execute leases over,  
187 through, under, or across any city property or the right of way of any street, road, alley,  
188 and walkway or portion thereof within the corporate limits of the city for bridges,  
189 passageways, or any other purpose or use between buildings on opposite sides of the  
190 street and for other bridges, overpasses, and underpasses for private use at such location  
191 and to charge a rental therefor in such manner as may be provided by ordinance; and to  
192 authorize and control the construction of bridges, overpasses, and underpasses within the  
193 corporate limits of the city; and to grant franchises and rights of way throughout the  
194 streets and roads and over the bridges and viaducts for the use of public utilities and for  
195 private use; and to require real estate owners to repair and maintain in a safe condition  
196 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

197 (36) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
198 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
199 and sewerage system; to levy on those to whom sewers and sewerage systems are made

200 available a sewer service fee, charge, or tax for the availability or use of the sewers; to  
201 provide for the manner and method of collecting such service charge; and to impose on  
202 and collect a sewer connection fee or fees from those connected to the system;

203 (37) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
204 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
205 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
206 paper, and other recyclable materials and provide for the sale of such items;

207 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops,  
208 pain management clinics, the manufacture, sale, or transportation of intoxicating liquors,  
209 and the use of firearms; to regulate the transportation, storage, and use of combustible,  
210 explosive, and inflammable materials, the use of lighting and heating equipment, and any  
211 other business or situation which may be dangerous to persons or property; to regulate  
212 and control the conduct of peddlers and itinerant traders, theatrical performances,  
213 exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate,  
214 or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment,  
215 and massage parlors;

216 (39) Special assessments. To levy and provide for the collection of special assessments  
217 to cover the costs of any public improvement;

218 (40) Taxes (ad valorem). To levy and provide for the assessment, valuation, revaluation,  
219 and collection of taxes on all property subject to taxation; provided, however, that:

220 (A) For all years, the millage rate imposed for ad valorem taxes on real property for  
221 operating budget purposes shall not exceed 13.469 unless a higher limit is  
222 recommended by resolution of the city council and approved by a majority of the  
223 qualified voters of the city voting in a referendum; provided, however, that for the  
224 purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate  
225 may be adjusted upward for the sole purpose of complying with the millage rate  
226 rollback provisions set forth therein. For the purposes of this subparagraph, the term  
227 "qualified voters" means those voters of the city who are qualified to vote in city  
228 elections and cast a vote for or against such measure in such referendum. The question  
229 to be presented to the voters in the referendum on increasing the millage rate shall be  
230 "Do you approve increasing taxes on residential and nonresidential property for City  
231 of South Fulton property owners by raising from [current millage rate] to [proposed  
232 millage rate] the operating budget millage rate, which was capped in the original charter  
233 for the city?" If such millage rate increase is approved by the qualified voters of the  
234 City of South Fulton voting in the referendum, the new rate shall become the maximum  
235 limit until changed again by resolution of the city council and approval by a majority  
236 of the qualified voters of the City of South Fulton voting in a referendum.

237 Notwithstanding any provision of this paragraph to the contrary, during the first five  
238 years of existence, the city shall not be authorized to increase the millage rate higher  
239 than 14.469 except for the purposes of complying with Code Section 48-8-91 of the  
240 O.C.G.A.;

241 (B) For all years, the fair market value of all property subject to taxation shall be  
242 determined according to the tax digest of Fulton County, as provided in Code  
243 Section 48-5-352 of the O.C.G.A.; and

244 (C) For all years, the billing date or dates and due date or dates for municipal ad  
245 valorem taxes shall be the same as for Fulton County ad valorem taxes;

246 (41) Taxes (other). To levy and collect such other taxes as may be allowed now or in the  
247 future by law;

248 (42) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
249 number of such vehicles; to require the operators thereof to be licensed; to require public  
250 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
251 regulate the parking of such vehicles;

252 (43) Urban redevelopment. To organize and operate an urban redevelopment program;  
253 and

254 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
255 and immunities necessary or desirable to promote or protect the safety, health, peace,  
256 security, good order, comfort, convenience, or general welfare of the city and its  
257 inhabitants; to exercise all implied powers necessary to carry into execution all powers  
258 granted in this charter as fully and completely as if such powers were fully stated in this  
259 charter; and to exercise all powers now or in the future authorized to be exercised by  
260 other municipal governments under other laws of the State of Georgia; and no listing of  
261 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
262 general words and phrases granting powers, but shall be held to be in addition to such  
263 powers unless expressly prohibited to municipalities under the Constitution or applicable  
264 laws of the State of Georgia.

265 **SECTION 1.13.**

266 **Exercise of powers.**

267 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or  
268 employees shall be carried into execution as provided by this charter. If this charter makes  
269 no provision, such shall be carried into execution as provided by ordinance or as provided  
270 by pertinent laws of the State of Georgia.

271 ARTICLE II  
272 GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL  
273 SECTION 2.10.  
274 City council creation; composition; number; election.

275 (a) The legislative authority of the government of this city, except as otherwise specifically  
276 provided in this charter, shall be vested in a city council to be composed of a mayor and  
277 seven councilmembers.

278 (b) The mayor and councilmembers shall serve for terms of four years and until their  
279 respective successors are elected and qualified, except as otherwise provided in  
280 subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor  
281 or councilmember unless that person shall have been a resident of the area comprising the  
282 City of South Fulton for 12 months immediately preceding the election of mayor or  
283 councilmembers, shall have attained the age of 21 years prior to the date of qualifying, and,  
284 in the case of councilmembers, shall have been a resident of the district from which he or she  
285 seeks election for six months at the time of qualifying for election; each such person shall  
286 continue to reside within the city and, in the case of councilmembers, within the district from  
287 which he or she was elected during said period of service and shall be registered and  
288 qualified to vote in municipal elections of this city. The mayor may reside anywhere within  
289 the city. No person's name shall be listed as a candidate on the ballot for election for either  
290 mayor or councilmember unless such person shall file a written notice with the clerk of said  
291 city that such person desires his or her name to be placed on said ballot as a candidate either  
292 for mayor or councilmember. No person shall be eligible for the office of mayor or  
293 councilmember unless such person shall file said notice within the time provided for in  
294 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

295 (c)(1) The mayor shall be limited to serving three full, consecutive four-year terms of  
296 office.

297 (2) Councilmembers shall be limited to serving three full, consecutive terms of office.

298 (3) Persons who serve terms of less than four years as a result of being elected to an  
299 initial term of office under subsection (d) of Section 2.11 of this charter or who fill an  
300 unexpired term shall not be considered to have served a full term of office for the  
301 purposes of this subsection.

**SECTION 2.11.****Elections.**

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the area comprising the City of South Fulton or of such city shall be eligible to qualify as voters in the election.

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) Each councilmember shall be elected by a majority vote of the qualified electors of his or her respective council district voting at the elections of the city. For the purpose of electing members of the council, the City of South Fulton shall consist of seven council districts as described in Appendix B of this charter, which is attached and incorporated into this charter by reference; provided, however, that no territory described in such council districts shall be included in such council districts that has been annexed into other municipalities before July 1, 2016; and provided, further, that the territory known as the Fulton County Industrial District shall not be included in such council districts unless the local constitutional amendment creating such district is repealed or determined judicially to be of no force and effect prior to the first municipal election being conducted under this charter. Each candidate for election to the council other than the mayor shall reside in the council district he or she seeks to represent.

(d) The first election for mayor and councilmembers shall be a special election held on the third Tuesday in March, 2017. At such election, the mayor and councilmembers elected from Council Districts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2021. The councilmembers elected from Council Districts 1, 3, 5, and 7 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2019. Thereafter, at the elections provided for by subsection (f) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) The mayor, for the special election and each subsequent election for mayor, shall be elected by the qualified electors of the city at large voting in such elections of the city.

(f) A special election shall be held on the third Tuesday in March, 2017, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in

338 subsection (d) of this section. Thereafter, the time for holding regular municipal elections  
339 shall be on the Tuesday next following the first Monday in November of each odd-numbered  
340 year beginning in 2019. The successors to the first mayor and councilmembers and future  
341 successors shall be elected at the municipal election immediately preceding the expiration  
342 of the respective terms of office and shall take office on the first day of January immediately  
343 following their election for terms of four years and until their successors are elected and  
344 qualified.

345 (g) All municipal elections shall be nonpartisan and without primaries.

346 **SECTION 2.12.**

347 Vacancies in office.

348 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
349 resignation, forfeiture of office, or removal from office in any manner authorized by this  
350 charter or the general laws of the State of Georgia.

351 (b) Upon the suspension from office of mayor or councilmember in any manner authorized  
352 by the general laws of the State of Georgia, the city council or those remaining shall appoint  
353 a successor for the duration of the suspension. If the suspension becomes permanent, then  
354 the office shall become vacant and shall be filled as provided in subsection (c) of this section.

355 (c) In the event that the office of mayor or councilmember shall become vacant, the city  
356 council or those remaining shall order a special election to fill the balance of the unexpired  
357 term of such official; provided, however, if such vacancy occurs within 12 months of the  
358 expiration of the term of that office, the city council or those members remaining shall  
359 appoint a successor for the remainder of the term. In all other respects, the special election  
360 shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the  
361 "Georgia Election Code," as now or hereafter amended.

362 **SECTION 2.13.**

363 Election by majority vote.

364 The candidate for mayor who receives a majority of the votes cast in the applicable election  
365 in the city at large shall be elected to a term of office. The candidates for councilmember  
366 who receive a majority of the votes cast in the applicable election by the electors of their  
367 respective districts shall be elected to a term of office. In the event no candidate receives a  
368 majority of the votes cast in such election for such office, a run-off election shall be held  
369 between the candidates receiving the two highest numbers of votes. Such run-off election

370 shall be held at the time specified by state election law, unless such run-off date is postponed  
371 by court order.

372 **SECTION 2.14.**  
373 Compensation and expenses.

374 The annual salary of the mayor shall be \$23,000.00 and the annual salary for each  
375 councilmember shall be \$13,000.00. Such salary shall be paid from municipal funds in  
376 monthly installments. The city council may provide for the reimbursement of expenses  
377 actually and necessarily incurred by the mayor and members of the city council in carrying  
378 out their official duties.

379 **SECTION 2.15.**  
380 Prohibitions.

- 381 (a) No elected official, appointed officer, or employee of the city or any agency or political  
382 entity to which this charter applies shall knowingly:
- 383 (1) Engage in any business or transaction or have a financial or other personal interest,  
384 direct or indirect, which is incompatible with the proper discharge of official duties or  
385 which would tend to impair the independence of his or her judgment or action in the  
386 performance of official duties;
- 387 (2) Engage in or accept private employment or render services for private interests when  
388 such employment or service is incompatible with the proper discharge of official duties  
389 or would tend to impair the independence of his or her judgment or action in the  
390 performance of official duties;
- 391 (3) Disclose confidential information concerning the property, government, or affairs of  
392 the governmental body by which engaged without proper legal authorization or use such  
393 information to advance the financial or other private interest of himself or herself or  
394 others;
- 395 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,  
396 from any person, firm, or corporation which to his or her knowledge is interested, directly  
397 or indirectly, in any manner whatsoever in business dealings with the governmental body  
398 by which he or she is engaged; provided, however, that an elected official who is a  
399 candidate for public office may accept campaign contributions and services in connection  
400 with any such campaign;
- 401 (5) Represent other private interests in any action or proceeding against this city or any  
402 portion of its government; or

- 403 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
404 any business or entity in which he or she has a financial interest.
- 405 (b) Any elected official, appointed officer, or employee who has any private financial  
406 interest, directly or indirectly, in any contract or matter pending before or within any  
407 department of the city shall disclose such private interest to the city council. The mayor or  
408 any councilmember who has a private interest in any matter pending before the city council  
409 shall disclose such private interest and such disclosure shall be entered on the records of the  
410 city council, and he or she shall disqualify himself or herself from participating in any  
411 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
412 agency or political entity to which this charter applies who shall have any private financial  
413 interest, directly or indirectly, in any contract or matter pending before or within such entity  
414 shall disclose such private interest to the governing body of such agency or entity.
- 415 (c) No elected official, appointed officer, or employee of the city or any agency or entity to  
416 which this charter applies shall use property owned by such governmental entity for personal  
417 benefit, convenience, or profit, except in accordance with policies promulgated by the city  
418 council or the governing body of such agency or entity.
- 419 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
420 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
421 council.
- 422 (e) Except as authorized by law, no member of the council shall hold any other elective city  
423 office or other city employment during the term for which elected. The provisions of this  
424 subsection shall not apply to any person holding employment on the effective date of this  
425 Act.

426 **SECTION 2.16.**

427 **Removal of officers.**

- 428 (a) The mayor, a councilmember, or other appointed officers provided for in this charter  
429 shall be removed from office for any one or more of the following causes:
- 430 (1) Incompetence, misfeasance, or malfeasance in office;  
431 (2) Conviction of a crime involving moral turpitude;  
432 (3) Failure at any time to possess any qualifications of office as provided by this charter  
433 or by law;  
434 (4) Knowingly violating Section 2.15 or any other express prohibition of this charter;  
435 (5) Abandonment of office or neglect to perform the duties thereof; or  
436 (6) Failure for any other cause to perform the duties of office as required by this charter  
437 or by state law.

438 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished  
439 by one of the following methods:

440 (1) By the vote of five councilmembers after an investigative hearing. In the event an  
441 elected officer is sought to be removed by the action of the city council, such officer shall  
442 be entitled to a written notice specifying the ground or grounds for removal and to a  
443 public hearing which shall be held not less than ten days after the service of such written  
444 notice. Any elected officer sought to be removed from office as provided in this section  
445 shall have the right of appeal from the decision of the city council to the Superior Court  
446 of Fulton County. Such appeal shall be governed by the same rules as govern appeals to  
447 the superior court from the probate court; or

448 (2) By an order of the Superior Court of Fulton County following a hearing on a  
449 complaint seeking such removal brought by any resident of the City of South Fulton.

450 ARTICLE III  
451 ORGANIZATION OF GOVERNMENT, GENERAL  
452 AUTHORITY, AND ORDINANCES  
453 SECTION 3.10.  
454 General power and authority.

455 (a) Except as otherwise provided by this charter, the city council shall be vested with all the  
456 powers of government of this city as provided by Article I of this charter.

457 (b) In addition to all other powers conferred upon it by law, the city council shall have the  
458 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
459 regulations, not inconsistent with this charter and with the Constitution and the laws of the  
460 State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good  
461 order, protection of life and property, health, welfare, sanitation, comfort, convenience,  
462 prosperity, or well-being of the inhabitants of the City of South Fulton and may enforce such  
463 ordinances by imposing penalties for violations thereof.

464 (c) Except for the office of city manager, the city council, by resolution, may establish,  
465 abolish, merge, or consolidate offices, positions of employment, departments, and agencies  
466 of the city as it shall deem necessary for the proper administration of the affairs of the  
467 government of the city. The council shall prescribe the functions and duties of departments,  
468 offices, and agencies; may provide that the same person shall fill any number of offices or  
469 positions of employment; and may transfer or change the functions and duties of offices,  
470 positions of employment, departments, and agencies of the city.

471 (d) The operations and responsibilities of each department now or hereafter established in  
472 the city shall be distributed among such divisions or bureaus as may be provided by

473 ordinance of the city council. Each department shall consist of such officers, employees, and  
474 positions of employment as may be provided by this charter or by ordinance and shall be  
475 subject to the general supervision and guidance of the mayor and councilmembers.

476 (e) In all cases, unless otherwise prohibited by this charter or by state law, those functions  
477 and duties necessary for the efficient and proper administration of the affairs of government  
478 of the city may be provided through intergovernmental agreements or private contracts or  
479 both.

### 480 SECTION 3.11.

#### 481 Organization.

482 (a) The city council shall hold an organizational meeting not later than the first regular  
483 meeting in January following an election. The meeting shall be called to order by the  
484 mayor-elect, and the oath of office shall be administered to the newly elected mayor and  
485 councilmembers by a judicial officer authorized to administer the oaths required by  
486 Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

487 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
488 (councilmember) of this city and that I will support and defend the charter thereof as well  
489 as the Constitution and laws of the State of Georgia and of the United States of America."

490 (b) Following the induction of the mayor and councilmembers, the city council, by a  
491 majority vote, shall elect a councilmember to serve as mayor pro tempore. The mayor pro  
492 tempore shall assume the official duties and powers of the mayor during any disability or  
493 absence of the mayor, as set forth in Section 3.30 of this charter. Any such disability or  
494 absence shall be declared by a majority vote of the city council.

### 495 SECTION 3.12.

#### 496 Inquiries and investigations.

497 The city council may make inquiries and investigations into the affairs of the city and the  
498 conduct of any department, office, or agency thereof and for this purpose may subpoena  
499 witnesses, administer oaths, take testimony, and require the production of evidence. Any  
500 person who fails or refuses to obey a lawful order issued in the exercise of these powers by  
501 the council shall be punished as provided by ordinance.

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**SECTION 3.13.****Meetings.**

- 504 (a) The city council shall, at least once during each calendar month, hold regular meetings  
505 at such times and places as prescribed by ordinance. The council may recess any such  
506 regular meeting and continue such meeting on any weekday or at any hour it may fix and  
507 may transact any business at such continued meeting as may be transacted at any regular  
508 meeting.
- 509 (b) Special meetings of the city council may be held on call of the mayor or four members  
510 of the city council. Notice of such special meeting shall be served on all other members  
511 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
512 notice to councilmembers shall not be required if the mayor and all councilmembers are  
513 present when the special meeting is called. Such notice of any special meeting may be  
514 waived by a councilmember in writing before or after such a meeting and attendance at the  
515 meeting shall also constitute a waiver of notice on any business transacted in such  
516 councilmember's presence. Only the business stated in the call may be transacted at the  
517 special meeting.
- 518 (c) All meetings of the city council shall be public to the extent required by law and notice  
519 to the public of special meetings shall be given as required by law.

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**SECTION 3.14.****Procedures.**

- 522 (a) The city council shall adopt its rules of procedure and order of business consistent with  
523 the provisions of this charter and shall provide for keeping a journal of its proceedings which  
524 shall be a public record.
- 525 (b) All committees and committee chairpersons and officers of the city council shall be  
526 appointed as prescribed by ordinance or resolution of the city council.

527  
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**SECTION 3.15.****Voting.**

- 529 (a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall  
530 constitute a quorum and shall be authorized to transact the business of the city council. For  
531 voting and quorum purposes, the mayor shall be counted as one of the councilmembers.  
532 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded  
533 in the journal, but any member of the city council shall have the right to request a roll-call

534 vote and such vote shall be recorded in the journal. No councilmember shall abstain from  
535 voting except in the case of a conflict of interest or if absent when a motion being voted upon  
536 was made. The councilmember shall provide a specific explanation of the conflict, and the  
537 explanation shall be recorded in the journal.

538 (b) Except as otherwise provided in this charter, the affirmative vote of a majority of the  
539 councilmembers present shall be required for the adoption of any ordinance, resolution, or  
540 motion.

541 (c) In the event vacancies in office result in less than a quorum of councilmembers holding  
542 office, then the remaining councilmembers in office shall constitute a quorum and shall be  
543 authorized to transact business of the city council. A vote of a majority of the remaining  
544 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

### 545 SECTION 3.16.

#### 546 Ordinances.

547 (a) Any proposal for a new or amended ordinance shall be in writing and in the format  
548 required for final adoption. No ordinance shall contain a subject which is not expressed in  
549 its title. The enacting clause shall be "The Council of the City of South Fulton hereby  
550 ordains ..." and every ordinance shall so begin.

551 (b) A new or amended ordinance may be proposed by the mayor or councilmember at a  
552 regular or special meeting of the city council. Ordinances shall be considered and adopted  
553 or rejected by the city council in accordance with the rules which it shall establish; provided,  
554 however, an ordinance shall not be adopted the same day it is introduced, except for  
555 emergency ordinances provided for in Section 3.18 of this charter. After adoption of any  
556 ordinance, the city clerk shall, as soon as possible, forward an appropriately formatted  
557 version of the adopted ordinance to that entity or agency that the city has retained to facilitate  
558 the codification and online viewing and download of all city ordinances.

### 559 SECTION 3.17.

#### 560 Effect of ordinances.

561 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

562

**SECTION 3.18.**

563

**Emergencies.**

564 To meet a public emergency affecting life, health, property, or public peace, the city council  
565 may convene on call of the mayor or four councilmembers and may promptly adopt an  
566 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a  
567 franchise; regulate the rate charged by any public utility for its services; or authorize the  
568 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
569 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
570 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
571 a declaration stating that an emergency exists and describing the emergency in clear and  
572 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
573 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the  
574 councilmembers present shall be required for adoption. It shall become effective upon  
575 adoption or at such later time as it may specify. Every emergency ordinance shall  
576 automatically stand repealed 30 days following the date upon which it was adopted, but this  
577 shall not prevent reenactment of the ordinance in the manner specified in this section if the  
578 emergency continues to exist. An emergency ordinance shall also be repealed by adoption  
579 of a repealing ordinance in the same manner specified in this section for adoption of  
580 emergency ordinances.

581

**SECTION 3.19.**

582

**Codes.**

583 (a) The city council may adopt any standard code of technical regulations by reference  
584 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
585 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements  
586 of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the  
587 ordinance shall be construed to include copies of any code of technical regulations, as well  
588 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as  
589 well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant  
590 to Section 3.20 of this charter.

591 (b) Any adopted code of technical regulations shall be forwarded for online codification,  
592 viewing, and download in the same manner as provided for ordinances in subsection (b) of  
593 Section 3.16 of this charter and shall otherwise be made available for review and copying  
594 upon request in accord with Code Section 50-18-70, et seq., of the O.C.G.A.

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**SECTION 3.20.**

Codification of ordinances.

597 (a) The city clerk shall authenticate by the city clerk's signature and record in full in a  
598 properly indexed book kept for that purpose all ordinances adopted by the council.  
599 (b) The city shall provide for the preparation of a general codification of all the ordinances  
600 of the city having the force and effect of law. The general codification shall be adopted by  
601 the city council by ordinance and shall be published promptly together with all amendments  
602 thereto and shall contain such codes of technical regulations and other rules and regulations  
603 as the city council may specify. This compilation shall be known and cited officially as "The  
604 Code of the City of South Fulton, Georgia." Copies of the code shall be furnished to all  
605 officers, departments, and agencies of the city and shall be made available for purchase by  
606 the public at a reasonable price as fixed by the city council.  
607 (c) The city council shall cause each ordinance and each amendment to this charter to be  
608 promptly delivered in an appropriate format to that entity or agency that the city has retained  
609 to facilitate the codification and online viewing and download of all city ordinances, charter  
610 amendments, and technical regulations. Ordinances, charter amendments, and technical  
611 regulations shall otherwise be available in hard copy format for viewing and copying at the  
612 office of the city clerk in conformance with Code Section 50-18-70, et seq., of the O.C.G.A.  
613 Following publication of the first code under this charter and at all times thereafter, the  
614 ordinances and charter amendments shall be made available, whether in electronic or hard  
615 copy format, in substantially the same style as the code then in effect and shall be suitable  
616 in form for incorporation within the code. The city council shall make such further  
617 arrangements as deemed desirable with reproduction and distribution of any changes in or  
618 additions to codes of technical regulations and other rules and regulations included in the  
619 code.

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**SECTION 3.21.**

Submission of ordinances to the mayor.

622 (a) Every ordinance, resolution, or other action adopted by the city council shall be  
623 presented to the mayor for signature within five business days following the adoption of such  
624 ordinance, resolution, or other action by the city council. The mayor shall have the right to  
625 veto any ordinance adopted by the city council, in accordance with the procedure set forth  
626 in this section.  
627 (b) The mayor, within ten business days following receipt of an ordinance, shall return it to  
628 the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance

629 has been approved by the mayor or if it is returned to the city clerk neither approved nor  
630 disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails  
631 to return an ordinance to the city clerk within ten business days of receipt, it shall become  
632 law at 12:00 Midnight on the tenth business day after receipt. If the ordinance is vetoed by  
633 the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the  
634 mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and  
635 its receipt from the mayor.

636 (c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next  
637 regular meeting of the city council for reconsideration. If the minimum number of  
638 councilmembers necessary to vote to override the veto are not present, the action may be  
639 continued until the next meeting at which such minimum number of councilmembers are  
640 present. The city council may override a veto by the mayor and adopt any ordinance that  
641 has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not  
642 including the mayor.

643 (d) In addition, the mayor may disapprove or reduce any item or items of appropriation in  
644 any ordinance or resolution. The approved part or parts of any ordinance or resolution  
645 making appropriations shall become law, and the part or parts disapproved or reduced shall  
646 not become law unless subsequently passed by the city council over the mayor's veto as  
647 provided herein. The disapproved or reduced part or parts of any such ordinance or  
648 resolution shall be presented to the city council as though disapproved and shall not become  
649 law unless overridden by the city council as set forth in subsection (c) of this section.

650 **SECTION 3.22.**

651 **Powers and duties of mayor.**

652 (a) The mayor shall be the chief executive officer of the city government and a member of  
653 and the presiding officer of the city council and responsible for the efficient and orderly  
654 administration of the city's affairs. The mayor shall be responsible for the enforcement of  
655 laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct  
656 inquiries and investigations into the conduct of the city's affairs and shall have such powers  
657 and duties as specified in this charter or as may be provided by ordinance consistent with this  
658 charter.

659 (b) The mayor shall:

660 (1) Preside at all meetings of the city council and participate therein as a voting member,  
661 and in the mayor's absence, the mayor pro tempore shall preside as set forth in  
662 Section 3.30 of this charter;

- 663 (2) Be the head of the city for the purpose of service of process and for ceremonial  
664 purposes and be the official spokesperson for the city and the chief advocate of policy;  
665 (3) Have power to administer oaths and execute affidavits;  
666 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
667 ordinances, resolutions, and other instruments executed by the city which by law are  
668 required to be in writing. The city council may delegate contract signing authority to the  
669 city manager to the extent allowed by law;  
670 (5) See that all laws and ordinances of the city are faithfully executed;  
671 (6) Vote on any motion, resolution, ordinance, or other question before the council other  
672 than a veto override;  
673 (7) Obtain short-term loans in the name of the city when authorized by the city council  
674 to do so;  
675 (8) Have the authority to appoint city council committees and appoint councilmembers  
676 to oversee and report on the functions of the various departments of the city, subject to  
677 confirmation by the city council;  
678 (9) Require the city manager to meet with him or her at a time and place designated for  
679 consultation and advice upon the affairs of the city;  
680 (10) Nominate the city manager, city attorney, chief judge of municipal court, city clerk,  
681 and city treasurer, subject to ratification by the city council; provided, however, that if  
682 the mayor's nomination is rejected by the city council or the mayor fails to offer a  
683 nomination, nominations may be offered by members of the city council;  
684 (11) Prepare or have prepared an agenda for each meeting of the city council which shall  
685 include all business submitted by the mayor, any councilmember, the city manager, and  
686 the city attorney; and  
687 (12) Fulfill and perform such other duties as are imposed by this charter and duly  
688 adopted ordinances.

689 **SECTION 3.23.**

690 City manager; appointment;  
691 qualifications; compensation; removal.

- 692 (a) The mayor shall nominate a city manager for an indefinite term and shall set the city  
693 manager's initial compensation, subject to confirmation by the city council. The city  
694 manager shall be nominated solely on the basis of that person's executive and administrative  
695 qualifications.  
696 (b) The mayor or a councilmember may recommend the removal of the city manager from  
697 office in accordance with the following procedures:

698 (1) In response to such recommendation, the city council shall adopt by affirmative vote  
699 of a majority of all its members a preliminary resolution which must state the reasons for  
700 removal and may suspend the city manager from duty for a period not to exceed 45 days.  
701 A copy of the resolution shall be delivered promptly to the city manager;  
702 (2) Within ten days after a copy of the resolution is delivered to the city manager, that  
703 person may file with the city council a written request for a public hearing. This hearing  
704 shall be held within 30 days after the request is filed. The city manager may file with the  
705 city council a written reply not later than five days before the hearing; and  
706 (3) If the city manager has not requested a public hearing within the time specified in  
707 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
708 which may be made effective immediately, by an affirmative vote of a majority of all its  
709 members. If the city manager has requested a public hearing, the city council may adopt  
710 a final resolution for removal, which may be made effective immediately, by an  
711 affirmative vote of a majority of all its members at any time after the public hearing.  
712 (c) The city manager shall continue to receive the city manager's salary until the effective  
713 date of a final resolution of removal.

714 **SECTION 3.24.**

715 Acting city manager.

716 By letter filed with the city clerk, the city manager shall designate or in the absence of the  
717 city manager the mayor shall designate, subject to approval of the city council, a qualified  
718 city administrative officer to exercise the powers and perform the duties of city manager  
719 during the city manager's temporary absence or physical or mental disability. During such  
720 absence or disability, the city council may revoke such designation at any time and appoint  
721 another officer of the city to serve until the city manager shall return or the city manager's  
722 disability shall cease.

723 **SECTION 3.25.**

724 Powers and duties of the city manager.

725 The city manager shall be the chief administrative officer of the city. The city manager shall  
726 be responsible to the city council for the administration of all city affairs placed in the city  
727 manager's charge by or under this charter. As the chief administrative officer, the city  
728 manager shall:

729 (1) Have the authority to hire persons to act as department heads or directors and fill  
730 other positions designated by ordinance or resolution and appoint and, when the city

- 731 manager deems it necessary for the good of the city, suspend or remove any city  
732 employees and administrative officers the city manager hires or appoints, except as  
733 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The  
734 city manager may authorize any administrative officer who is subject to the city  
735 manager's direction and supervision to exercise these powers with respect to subordinates  
736 in that officer's department, office, or agency;
- 737 (2) Direct and supervise the administration of all departments, offices, and agencies of  
738 the city, except as otherwise provided by this charter or by law;
- 739 (3) Attend all city council meetings, except for closed meetings held for the purposes of  
740 deliberating on the appointment, discipline, or removal of the city manager, and have the  
741 right to take part in discussion, but the city manager may not vote;
- 742 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
743 enforcement by the city manager or by officers subject to the city manager's direction and  
744 supervision, are faithfully executed;
- 745 (5) Prepare and submit the annual operating budget and capital budget to the city  
746 council;
- 747 (6) Submit to the city council and make available to the public a complete report on the  
748 finances and administrative activities of the city as of the end of each fiscal year;
- 749 (7) Make such other reports as the city council or mayor may require concerning the  
750 operations of those city departments, offices, and agencies that are subject to the city  
751 manager's direction and supervision;
- 752 (8) Keep the city council fully advised as to the financial condition and future needs of  
753 the city and make such recommendations to the city council concerning the affairs of the  
754 city as the city manager deems desirable; and
- 755 (9) Perform other such duties as are specified in this charter or as may be required by the  
756 city council.

757 **SECTION 3.26.**

758 Reserved.

759 **SECTION 3.27.**

760 Reserved.

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**SECTION 3.28.**

762

Council's interference with administration.

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Except for the purpose of inquiries and investigations under Section 3.12 of this charter, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

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**SECTION 3.29.**

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Selection of mayor pro tempore.

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There shall be a mayor pro tempore elected from among the councilmembers by the city council at the first regular meeting of each calendar year. All subsequent successors shall be elected at the first regular meeting of the city council in each calendar year to serve until the first regular meeting of the city council in the immediately following calendar year. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term at the next regularly scheduled council meeting.

778

**SECTION 3.30.**

779

Mayor pro tempore.

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During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council or, in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the official duties of the office of the mayor so long as such absence or disability shall continue, except that the mayor pro tempore shall not have the mayor's veto power except in the case of physical or mental disability of the mayor. A councilmember acting as mayor shall have only one vote. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

790 ARTICLE IV  
791 ADMINISTRATIVE AFFAIRS  
792 SECTION 4.10.  
793 Department heads.

794 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe  
795 the functions or duties and establish, abolish, or alter all nonelective offices, positions of  
796 employment, departments, and agencies of the city as necessary for the proper administration  
797 of the affairs and government of this city.

798 (b) Except as otherwise provided by this charter or by law, the directors of departments and  
799 other officers of the city shall be appointed solely on the basis of their respective  
800 administrative and professional qualifications.

801 (c) All appointed officers and directors of departments shall receive such compensation as  
802 prescribed by the city council.

803 (d) There shall be a director of each department or agency who shall be its principal officer.  
804 Each director shall, subject to the direction and supervision of the city manager, be  
805 responsible for the administration and direction of the affairs and operations of the director's  
806 department or agency.

807 (e) The city manager may suspend or terminate directors or department heads, so long as the  
808 city attorney reviews the facts supporting suspension or termination and concurs such action  
809 is appropriate before such action is taken.

810 SECTION 4.11.  
811 Boards.

812 (a) The city council shall create by ordinance such boards, commissions, and authorities to  
813 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems  
814 necessary and shall by ordinance establish the composition, period of existence, duties, and  
815 powers thereof.

816 (b) Every member of any appointed board, commission, or authority of the city shall be  
817 appointed by a majority vote of the city council for such term of office and in such manner  
818 as shall be provided by ordinance. Unless otherwise provided by ordinance or law, each  
819 board, commission, or authority shall consist of eight members with one member being  
820 nominated by each member of the city council and the mayor. Unless otherwise provided  
821 by ordinance or law, there shall be no requirement that a board, commission, or authority  
822 member reside in the district of the councilmember who nominates the member, but all  
823 members shall be residents of the city.

- 824 (c) The city council, by ordinance, may provide for the compensation and reimbursement  
825 for actual and necessary expenses of the members of any board, commission, or authority.  
826 (d) Except as otherwise provided by charter or by law, no member of any board,  
827 commission, or authority shall hold any elective office in the city.  
828 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
829 unexpired term in the manner prescribed for the original appointment, except as otherwise  
830 provided by this charter or by law.  
831 (f) No member of a board, commission, or authority shall assume office until he or she has  
832 executed and filed with the clerk of the city an oath obligating himself or herself to perform  
833 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and  
834 administered by the mayor.  
835 (g) Any member of a board, commission, or authority may be removed from office by  
836 majority vote of the city council.  
837 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
838 authority of the city shall elect one of its members as chairperson and one member as  
839 vice-chairperson, and may elect as its secretary one of its members or may appoint as  
840 secretary an employee of the city. Each board, commission, or authority of the city  
841 government may establish such bylaws, rules, and regulations, not inconsistent with this  
842 charter, an ordinance of the city, or law, as it deems appropriate and necessary for the  
843 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
844 regulations shall be filed with the clerk of the city.

845 **SECTION 4.12.**

846 **City attorney.**

847 The mayor shall nominate and the city council shall confirm by a majority vote a city  
848 attorney who shall be a member of the State Bar of Georgia and shall have actively practiced  
849 law for at least seven years. The city attorney shall serve at the pleasure of the city council.  
850 The city attorney shall be responsible for representing and defending the city in all litigation  
851 in which the city is a party, may be the prosecuting officer in the municipal court, shall attend  
852 the meetings of the council as directed, shall advise the city council, mayor, and other  
853 officers and employees of the city concerning legal aspects of the city's affairs, and shall  
854 perform such other duties as may be required by virtue of the position of city attorney. The  
855 city council shall provide for the compensation of the city attorney.

856 **SECTION 4.13.**

857 City clerk.

858 The mayor shall nominate and the city council shall confirm by a majority vote a city clerk  
859 who shall not be a councilmember. The city clerk shall be custodian of the official city seal,  
860 maintain city council records required by this charter, and perform such other duties as may  
861 be required by the city council. The city council shall provide for the compensation of the  
862 city clerk.

863 **SECTION 4.14.**

864 Treasurer.

865 The mayor shall nominate and the city council shall confirm by a majority vote a city  
866 treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject  
867 to the provisions of this charter and the ordinances of the city and to enforce all laws of  
868 Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment  
869 of taxes to the city. The city treasurer shall also be responsible for the general duties of a  
870 treasurer and fiscal officer. The city council shall provide for the compensation of the  
871 treasurer.

872 **SECTION 4.15.**

873 Rules and regulations.

874 The city council shall adopt rules and regulations consistent with this charter concerning:

- 875 (1) The method of employee selection and probationary periods of employment;  
876 (2) The administration of a position classification and pay plan, methods of promotion  
877 and applications of service ratings thereto, and transfer of employees within the  
878 classification plan;  
879 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
880 the order and manner in which layoffs shall be effected;  
881 (4) Such dismissal hearings as due process may require; and  
882 (5) Such other personnel notices as may be necessary to provide for adequate and  
883 systematic handling of personnel affairs.

884 ARTICLE V  
885 JUDICIAL BRANCH  
886 SECTION 5.10.  
887 Municipal court.

888 There shall be a court to be known as the Municipal Court of the City of South Fulton.

889 SECTION 5.11.  
890 Judges.

891 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,  
892 or stand-by judges as shall be provided by ordinance. The chief judge shall be nominated  
893 by the mayor and shall be confirmed by resolution of the city council, and the method of  
894 selection and terms of any other judges shall be provided by ordinance.

895 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
896 that person shall have attained the age of 21 years and shall have been a member of the State  
897 Bar of Georgia for a minimum of three years.

898 (c) Compensation of the chief judge and other judges shall be fixed by the city council. The  
899 position of chief judge shall not be a full-time position, and the person serving as chief judge  
900 may engage in the private practice of law.

901 (d) The chief judge shall serve a term of four years, coincident with the term of the mayor,  
902 but may be removed for cause by a vote of five members of the city council or upon action  
903 taken by the Judicial Qualification Commission.

904 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
905 will honestly and faithfully discharge the duties of the office to the best of his or her ability  
906 and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city  
907 council journal required in Section 3.14 of this charter.

908 SECTION 5.12.  
909 Convening of court.

910 The municipal court shall be convened at regular intervals as provided by ordinance.

**SECTION 5.13.****Powers.**

- 913 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
914 and such other violations as provided by law.
- 915 (b) The municipal court shall have the authority to punish those in its presence for contempt,  
916 provided that such punishment shall not exceed the statutory limits for fines and  
917 imprisonment for such municipal court.
- 918 (c) The municipal court may fix punishment for offenses within its jurisdiction, including  
919 both fines and imprisonment or alternative sentencing, provided that such fines or  
920 imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.
- 921 (d) The municipal court shall have the authority to establish a schedule of fees to defray the  
922 cost of operation and shall be entitled to reimbursement of the actual cost of meals,  
923 transportation, and caretaking of prisoners bound over to superior courts for violation of state  
924 law.
- 925 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
926 the presence of those charged with violations before said court and shall have discretionary  
927 authority to accept cash or personal or real property as surety bond for the appearance of  
928 persons charged with violations. Whenever any person shall give bail for appearance and  
929 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
930 presiding at such time and an execution shall be issued thereon by serving the defendant and  
931 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.
- 932 (f) The municipal court shall have the same authority as superior courts to compel the  
933 production of evidence in the possession of any party; to enforce obedience to its orders,  
934 judgments, and sentences; and to administer such oaths as are necessary.
- 935 (g) The municipal court shall have the authority to bind prisoners over to the appropriate  
936 court when it appears by probable cause that state law has been violated.
- 937 (h) Each judge of the municipal court may compel the presence of all parties necessary to  
938 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which  
939 may be served as executed by any officer as authorized by this charter or by law.
- 940 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
941 persons charged with offenses against any ordinance of the city, and each judge of the  
942 municipal court shall have the same authority as a magistrate of the state to issue warrants  
943 for offenses against state laws committed within the city.
- 944 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout  
945 the geographic area of this city granted by law to municipal courts and particularly by such  
946 laws as authorize the abatement of nuisances and prosecution of traffic violations.

947 **SECTION 5.14.**

948 Certiorari.

949 The right of certiorari from the decision and judgment of the municipal court shall exist in  
950 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
951 the sanction of a judge of the Superior Court of Fulton County, under the laws of the State  
952 of Georgia regulating the granting and issuance of writs of certiorari.

953 **SECTION 5.15.**

954 Rules.

955 With the approval of the city council, the judge shall have full power and authority to make  
956 reasonable rules and regulations necessary and proper to secure the efficient and successful  
957 administration of the municipal court; provided, however, that the city council may adopt in  
958 part or in toto the rules and regulations applicable to superior courts. The rules and  
959 regulations made or adopted shall be filed with the city clerk, shall be available for public  
960 inspection, and, upon request, shall be furnished to all defendants in municipal court  
961 proceedings at least 48 hours prior to said proceedings.

962 **ARTICLE VI**

963 **FINANCE**

964 **SECTION 6.10.**

965 Property tax.

966 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
967 property within the corporate limits of the city that is subject to such taxation by the state and  
968 county. This tax is for the purpose of raising revenues to defray the costs of operating the city  
969 government, of providing governmental services, for the repayment of principal and interest  
970 on general obligations, and for any other public purpose as determined by the city council  
971 in its discretion.

972 **SECTION 6.11.**

973 Millage.

974 (a) The city council by ordinance shall establish a millage rate for the city property tax, a  
975 due date, and the time period within which these taxes must be paid. The city council by

976 ordinance may provide for the payment of these taxes by installments or in one lump sum,  
977 as well as authorize the voluntary payment of taxes prior to the time when due.  
978 (b) For all years, the millage rate imposed for ad valorem taxes on real property shall not  
979 exceed 13.469 unless a higher millage rate is recommended by resolution of the city council  
980 and subsequently approved by a majority of the qualified voters of the city voting in a  
981 referendum. For the purposes of this subsection, the term "qualified voters" means those  
982 voters of the city who are qualified to vote in city elections and cast a vote for or against such  
983 measure in such referendum. This millage rate limit shall apply to the millage rate actually  
984 levied and shall not apply to the hypothetical millage rate computed under subsection (a) of  
985 Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint  
986 county and municipal sales tax.

987 **SECTION 6.12.**

988 Occupation taxes and business license fees.

989 The city council by ordinance shall have the power to levy such occupation or business taxes  
990 as are not denied by law. Such taxes may be levied on both individuals and corporations who  
991 transact business in this city or who practice or offer to practice any profession or calling  
992 within the city to the extent such persons have a constitutionally sufficient nexus to this city  
993 to be so taxed. The city council may classify businesses, occupations, professions, or  
994 callings for the purpose of such taxation in any way which may be lawful and may compel  
995 the payment of such taxes as provided in Section 6.18 of this charter.

996 **SECTION 6.13.**

997 Licenses.

998 The city council by ordinance shall have the power to require any individual or corporation  
999 who transacts business in this city or who practices or offers to practice any profession or  
1000 calling within the city to obtain a license or permit for such activity from the city and pay a  
1001 reasonable fee for such license or permit where such activities are not now regulated by  
1002 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
1003 to the city of regulating the activity and, if unpaid, shall be collected as provided in  
1004 Section 6.18 of this charter. The city council by ordinance may establish reasonable  
1005 requirements for obtaining or keeping such licenses as the public health, safety, and welfare  
1006 necessitate.

1007 **SECTION 6.14.**

1008 Reserved.

1009 **SECTION 6.15.**

1010 Sewer fees.

1011 The city council by ordinance shall have the power to assess and collect fees, charges, and  
1012 tolls for sewers, sanitary and health services, or any other services provided or made  
1013 available inside or outside the corporate limits of the city for the total cost to the city of  
1014 providing or making available such services. If unpaid, such charges shall be collected as  
1015 provided in Section 6.18 of this charter.

1016 **SECTION 6.16.**

1017 Roads.

1018 The city council by ordinance shall have the power to assess, charge, and collect the costs  
1019 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
1020 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
1021 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
1022 collected as provided in Section 6.18 of this charter.

1023 **SECTION 6.17.**

1024 Other taxes.

1025 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the  
1026 specific mention of any right, power, or authority in this article shall not be construed as  
1027 limiting in any way the general powers of this city to govern its local affairs.

1028 **SECTION 6.18.**

1029 Collection of delinquent taxes.

1030 The city council by ordinance may provide generally for the collection of delinquent taxes,  
1031 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
1032 whatever reasonable means as are not precluded by law. This shall include providing for the  
1033 dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.  
1034 fas., creation and priority of liens, making delinquent taxes and fees personal debts of the

1035 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay  
1036 any city taxes or fees, and providing for the assignment or transfer of tax executions.

1037 **SECTION 6.19.**

1038 Borrowing.

1039 The city council shall have the power to issue bonds for the purpose of raising revenue to  
1040 carry out any project, program, or venture authorized under this charter or the laws of the  
1041 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
1042 issuance by municipalities in effect at the time said issue is undertaken.

1043 **SECTION 6.20.**

1044 Revenue bonds.

1045 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
1046 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
1047 for which they were issued.

1048 **SECTION 6.21.**

1049 Loans.

1050 The city may obtain short-term loans and must repay such loans not later than December 31  
1051 of each year, unless otherwise provided by law.

1052 **SECTION 6.22.**

1053 Accounting and budgeting.

1054 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
1055 budget year and the year for financial accounting and reporting of each and every office,  
1056 department, agency, and activity of the city government.

1057 **SECTION 6.23.**

1058 Budget ordinance.

1059 The city council shall provide an ordinance on the procedures and requirements for the  
1060 preparation and execution of an annual operating budget, a capital improvement program,  
1061 and a capital budget, including requirements as to the scope, content, and form of such

1062 budgets and programs. The city council shall comply with the provisions of Chapter 81 of  
1063 Title 36 of the O.C.G.A.

1064 **SECTION 6.24.**

1065 Operating budget.

1066 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
1067 of each fiscal year, the city manager shall submit to the city council a proposed operating  
1068 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
1069 city manager containing a statement of the general fiscal policies of the city, the important  
1070 features of the budget, explanations of major changes recommended for the next fiscal year,  
1071 a general summary of the budget, and such other comments and information as the city  
1072 manager may deem pertinent. The operating budget, the capital improvements budget, the  
1073 budget message, and all supporting documents shall be filed in the office of the city clerk and  
1074 shall be open to public inspection.

1075 **SECTION 6.25.**

1076 Adoption.

1077 (a) The city council may amend the operating budget proposed by the city manager, except  
1078 that the budget as finally amended and adopted must provide for all expenditures required  
1079 by state law or by other provisions of this charter and for all debt service requirements for  
1080 the ensuing fiscal year. The total appropriations from any fund shall not exceed the  
1081 estimated fund balance, reserves, and revenues.

1082 (b) After the conducting of a budget hearing, the city council shall adopt the final operating  
1083 budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the  
1084 city council fails to adopt the budget by said date, the amounts appropriated for operation for  
1085 the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a  
1086 month-to-month basis, with all items prorated accordingly, until such time as the city council  
1087 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an  
1088 appropriations ordinance setting out the estimated revenues in detail by sources and making  
1089 appropriations according to fund and by organizational unit, purpose, or activity as set out  
1090 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

1091 (c) The amount set out in the adopted operating budget for each organizational unit shall  
1092 constitute the annual appropriation for such, and no expenditure shall be made or  
1093 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
1094 or allotments thereof to which it is chargeable.

1095 **SECTION 6.26.**

1096 Levy of taxes.

1097 Following adoption of the operating budget, the city council shall levy by ordinance such  
1098 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that  
1099 reasonable estimates of revenues from such levy shall at least be sufficient, together with  
1100 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount  
1101 appropriated for each of the several funds set forth in the annual operating budget for  
1102 defraying the expense of the general government of this city.

1103 **SECTION 6.27.**

1104 Changes in budget.

1105 The city council by majority vote may make changes in the appropriations contained in the  
1106 current operating budget at any regular meeting or special or emergency meeting called for  
1107 such purposes.

1108 **SECTION 6.28.**

1109 Capital improvements.

1110 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
1111 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
1112 capital improvements budget with any recommendations as to the means of financing the  
1113 improvements proposed for the ensuing year. The city council shall have the power to  
1114 accept, with or without amendments, or reject the proposed program and proposed means of  
1115 financing. The city council shall not authorize an expenditure for the construction of any  
1116 building, structure, work, or improvement, unless the appropriations for such project are  
1117 included in the capital improvements budget, except to meet a public emergency as provided  
1118 in Section 3.18 of this charter.

1119 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the  
1120 final capital improvements budget for the ensuing fiscal year on or before a date fixed by  
1121 ordinance of the council. No appropriations provided for in a prior capital improvements  
1122 budget shall lapse until the purpose for which the appropriations were made shall have been  
1123 accomplished or abandoned; provided, however, the mayor may submit amendments to the  
1124 capital improvements budget at any time during the fiscal year, accompanied by any  
1125 recommendations. Any such amendments to the capital improvements budget shall become  
1126 effective only upon adoption by majority vote of the city council.

1127 **SECTION 6.29.**

1128 Audits.

1129 There shall be an annual independent audit of all city accounts, funds, and financial  
1130 transactions by a certified public accountant selected by the city council. The audit shall be  
1131 conducted according to generally accepted accounting principles. Any audit of any funds by  
1132 the state or federal government may be accepted as satisfying the requirements of this  
1133 charter. Copies of all audit reports shall be available at printing costs to the public.

1134 **SECTION 6.30.**

1135 Procurement and property management.

1136 No contract with the city shall be binding on the city unless:

- 1137 (1) It is in writing;  
1138 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,  
1139 is signed by the city attorney to indicate such drafting or review; and  
1140 (3) It is made or authorized by the city council and such approval is entered in the city  
1141 council journal of proceedings pursuant to Section 3.14 of this charter.

1142 **SECTION 6.31.**

1143 Purchasing.

1144 The city council shall by ordinance prescribe procedures for a system of centralized  
1145 purchasing for the city.

1146 **SECTION 6.32.**

1147 Sale of property.

1148 (a) The city council may sell and convey any real or personal property owned or held by the  
1149 city for governmental or other purposes as now or hereafter provided by law, as well as any  
1150 abandoned or surplus property.

1151 (b) The city council may quitclaim any rights it may have in property not needed for public  
1152 purposes upon request by the mayor and adoption of a resolution, both finding that the  
1153 property is not needed for public or other purposes and that the interest of the city has no  
1154 readily ascertainable monetary value.

1155 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
1156 of the city a small parcel or tract of land is cut off or separated by such work from a larger

1157 tract or boundary of land owned by the city, the city council may authorize the mayor to  
1158 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel  
1159 or tract of land to an abutting or adjoining property owner or owners in exchange for rights  
1160 of way of said street, avenue, alley, or public place when such exchange is deemed to be in  
1161 the best interest of the city. All deeds and conveyances heretofore and hereafter so executed  
1162 and delivered shall convey all title and interest the city has in such property, notwithstanding  
1163 the fact that no public sale after advertisement was or is hereafter made.

1164 **SECTION 6.33.**

1165 General homestead exemption.

1166 (a) As used in this section, the term:

1167 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1168 purposes levied by, for, or on behalf of the City of South Fulton, except for any ad  
1169 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1170 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1171 the O.C.G.A., as amended.

1172 (b) Each resident of the City of South Fulton is granted an exemption on that person's  
1173 homestead from City of South Fulton ad valorem taxes for municipal purposes in the amount  
1174 of \$30,000.00 of the assessed value of that homestead. The value of that property in excess  
1175 of such exempted amount shall remain subject to taxation.

1176 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1177 section unless the person or person's agent files an application with the governing authority  
1178 of the City of South Fulton, or the designee thereof, giving such information relative to  
1179 receiving such exemption as will enable the governing authority of the City of South Fulton,  
1180 or the designee thereof, to make a determination regarding the initial and continuing  
1181 eligibility of such person for such exemption. The governing authority of the City of South  
1182 Fulton, or the designee thereof, shall provide application forms for this purpose.

1183 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1184 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1185 so long as the owner occupies the residence as a homestead. After a person has filed the  
1186 proper application as provided in subsection (c) of this section, it shall not be necessary to  
1187 make application thereafter for any year and the exemption shall continue to be allowed to  
1188 such person. It shall be the duty of any person granted the homestead exemption under  
1189 subsection (b) of this section to notify the governing authority of the City of South Fulton,  
1190 or the designee thereof, in the event that person for any reason becomes ineligible for such  
1191 exemption.

- 1192 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1193 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1194 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1195 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1196 exemption applicable to municipal ad valorem taxes for municipal purposes.  
1197 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1198 beginning on or after January 1, 2017.

1199 **SECTION 6.34.**

1200 General homestead exemption for citizens age 65 or over.

1201 (a) As used in this section, the term:

1202 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1203 purposes levied by, for, or on behalf of the City of South Fulton, except for any ad  
1204 valorem taxes to pay interest on and to retire municipal bonded indebtedness.

1205 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1206 the O.C.G.A., as amended.

1207 (3) "Senior citizen" means a person who is 65 years of age or over on or before January 1  
1208 of the year in which application for the exemption under subsection (b) of this section is  
1209 made.

1210 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption  
1211 on that person's homestead from City of South Fulton ad valorem taxes for municipal  
1212 purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of  
1213 that property in excess of such exempted amount shall remain subject to taxation.

1214 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1215 section unless the person or person's agent files an application with the governing authority  
1216 of the City of South Fulton, or the designee thereof, giving the person's age and such  
1217 additional information relative to receiving such exemption as will enable the governing  
1218 authority of the City of South Fulton, or the designee thereof, to make a determination  
1219 regarding the initial and continuing eligibility of such person for such exemption. The  
1220 governing authority of the City of South Fulton, or the designee thereof, shall provide  
1221 application forms for this purpose.

1222 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1223 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1224 so long as the owner occupies the residence as a homestead. After a person has filed the  
1225 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1226 make application thereafter for any year and the exemption shall continue to be allowed to

1227 such person. It shall be the duty of any person granted the homestead exemption under  
1228 subsection (b) of this section to notify the governing authority of the City of South Fulton,  
1229 or the designee thereof, in the event that person for any reason becomes ineligible for that  
1230 exemption.

1231 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1232 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1233 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1234 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1235 exemption applicable to municipal ad valorem taxes for municipal purposes.

1236 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1237 beginning on or after January 1, 2017.

#### 1238 SECTION 6.35.

1239 Homestead exemption for citizens age 65 or over  
1240 meeting certain income requirements.

1241 (a) As used in this section, the term:

1242 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal  
1243 purposes levied by, for, or on behalf of the City of South Fulton, including, but not  
1244 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
1245 indebtedness.

1246 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1247 the O.C.G.A., as amended.

1248 (3) "Income" means adjusted gross income as such term is defined in the Internal  
1249 Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A.,  
1250 except that for purposes of this section the term shall include only that portion of income  
1251 or benefits received as retirement, survivor, or disability benefits under the federal Social  
1252 Security Act or under any other public or private retirement, disability, or pension system  
1253 which exceeds the maximum amount which may be received by an individual and an  
1254 individual's spouse under the federal Social Security Act.

1255 (4) "Senior citizen" means a person who is 65 years of age or over on or before January 1  
1256 of the year in which application for the exemption under subsection (b) of this section is  
1257 made.

1258 (b) Each resident of the City of South Fulton who is a senior citizen is granted an exemption  
1259 on that person's homestead from City of South Fulton ad valorem taxes for municipal  
1260 purposes in the amount of \$10,000.00 of the assessed value of that homestead. The  
1261 exemption granted by this subsection shall only be granted if that person's income, together

1262 with the income of the spouse who also occupies and resides at such homestead, does not  
1263 exceed the maximum amount which may be received by an individual and an individual's  
1264 spouse under the federal Social Security Act for the immediately preceding year. The value  
1265 of that property in excess of such exempted amount shall remain subject to taxation.

1266 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
1267 section unless the person or person's agent files an application with the governing authority  
1268 of the City of South Fulton, or the designee thereof, giving the person's age, income, and  
1269 such additional information relative to receiving such exemption as will enable the governing  
1270 authority of the City of South Fulton, or the designee thereof, to make a determination  
1271 regarding the initial and continuing eligibility of such person for such exemption. The  
1272 governing authority of the City of South Fulton, or the designee thereof, shall provide  
1273 application forms for this purpose.

1274 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1275 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1276 so long as the owner occupies the residence as a homestead. After a person has filed the  
1277 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1278 make application thereafter for any year and the exemption shall continue to be allowed to  
1279 such person. It shall be the duty of any person granted the homestead exemption under  
1280 subsection (b) of this section to notify the governing authority of the City of South Fulton,  
1281 or the designee thereof, in the event that person for any reason becomes ineligible for that  
1282 exemption.

1283 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1284 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1285 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1286 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1287 exemption applicable to municipal ad valorem taxes for municipal purposes.

1288 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1289 beginning on or after January 1, 2017.

1290

**SECTION 6.36.**

1291

Homestead exemption for citizens age 70 or over

1292

and disabled persons meeting certain income requirements.

1293 (a) As used in this section, the term:

1294

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal

1295

purposes levied by, for, or on behalf of the City of South Fulton, including, but not

- 1296 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded  
1297 indebtedness.
- 1298 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of  
1299 the O.C.G.A., as amended.
- 1300 (3) "Income" means adjusted gross income determined pursuant to the Internal Revenue  
1301 Code of 1986, as amended, for federal income tax purposes, except that for the purposes  
1302 of this section the term shall include only that portion of income or benefits received as  
1303 retirement, survivor, or disability benefits under the federal Social Security Act or under  
1304 any other public or private retirement, disability, or pension system which exceeds the  
1305 maximum amount which may be received by an individual and an individual's spouse  
1306 under the federal Social Security Act.
- 1307 (4) "Senior citizen" means a person who is 70 years of age or over on or before January 1  
1308 of the year in which application for the exemption under subsection (b) of this section is  
1309 made.
- 1310 (b) Each resident of the City of South Fulton who is a senior citizen or who is disabled is  
1311 granted an exemption on that person's homestead from City of South Fulton ad valorem taxes  
1312 for municipal purposes for the full value of that homestead. The exemption granted by this  
1313 subsection shall only be granted if that person's income, together with the income of the  
1314 spouse who also occupies and resides at such homestead, does not exceed the maximum  
1315 amount which may be received by an individual and an individual's spouse under the federal  
1316 Social Security Act for the immediately preceding year.
- 1317 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section  
1318 as being disabled, the person claiming such exemption shall be required to obtain a  
1319 certificate from not more than three physicians licensed to practice medicine under  
1320 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such  
1321 physician or physicians such person is mentally or physically incapacitated to the extent  
1322 that such person is unable to be gainfully employed and that such incapacity is likely to  
1323 be permanent. Such certificate or certificates shall constitute part of and be submitted  
1324 with the application provided for in paragraph (2) of this subsection.
- 1325 (2) A person shall not receive the homestead exemption granted by subsection (b) of this  
1326 section unless the person or person's agent files an application with the governing  
1327 authority of the City of South Fulton, or the designee thereof, giving the person's age,  
1328 income, and such additional information relative to receiving such exemption as will  
1329 enable the governing authority of the City of South Fulton, or the designee thereof, to  
1330 make a determination regarding the initial and continuing eligibility of such person for  
1331 such exemption. The governing authority of the City of South Fulton, or the designee  
1332 thereof, shall provide application forms for this purpose.

1333 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of  
1334 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year  
1335 so long as the owner occupies the residence as a homestead. After a person has filed the  
1336 proper application, as provided in subsection (c) of this section, it shall not be necessary to  
1337 make application thereafter for any year and the exemption shall continue to be allowed to  
1338 such person. It shall be the duty of any person granted the homestead exemption under  
1339 subsection (b) of this section to notify the governing authority of the City of South Fulton,  
1340 or the designee thereof, in the event that person for any reason becomes ineligible for that  
1341 exemption.

1342 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state  
1343 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent  
1344 school district ad valorem taxes for educational purposes. The homestead exemption granted  
1345 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead  
1346 exemption applicable to municipal ad valorem taxes for municipal purposes.

1347 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years  
1348 beginning on or after January 1, 2017.

1349 **ARTICLE VII**  
1350 **GENERAL PROVISIONS**  
1351 **SECTION 7.10.**  
1352 **Bonds for officials.**

1353 The officers and employees of this city, both elected and appointed, shall execute such surety  
1354 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
1355 shall from time to time require by ordinance or as may be provided by law.

1356 **SECTION 7.11.**  
1357 **Reserved.**

1358 **SECTION 7.12.**  
1359 **Definitions and construction.**

1360 (a) Section captions in this charter are informative only and shall not be considered as a part  
1361 thereof.

1362 (b) The word "shall" is mandatory and the word "may" is permissive.

1363 (c) The singular shall include the plural, the masculine shall include the feminine, and vice  
1364 versa.

1365 **SECTION 7.13.**  
1366 Qualified electors.

1367 (a) For the purposes of the referendum election provided for in Section 7.14 of this charter  
1368 and for the purposes of the special election to be held on the third Tuesday in March, 2017,  
1369 the qualified electors of the City of South Fulton shall be those qualified electors of Fulton  
1370 County residing within the corporate limits of the City of South Fulton as described by  
1371 Section 1.11 of this charter. At subsequent municipal elections, the qualified electors of the  
1372 City of South Fulton shall be determined pursuant to the authority of Chapter 2 of Title 21  
1373 of the O.C.G.A., known as the "Georgia Election Code."

1374 (b) Only for the purpose of holding and conducting the referendum election provided for by  
1375 Section 7.14 of this charter and only for the purpose of holding and conducting the special  
1376 election of the City of South Fulton to be held on the third Tuesday in March, 2017, the  
1377 election superintendent of Fulton County is vested with the powers and duties of the election  
1378 superintendent of the City of South Fulton and the powers and duties of the governing  
1379 authority of the City of South Fulton.

1380 **SECTION 7.14.**  
1381 Referendum.

1382 The election superintendent of Fulton County shall call a special election for the purpose of  
1383 submitting this Act to the qualified voters of the proposed City of South Fulton, as provided  
1384 in Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date  
1385 of such election for the Tuesday next following the first Monday in November, 2016. The  
1386 superintendent shall issue the call for such election at least 30 days prior to the date thereof.  
1387 The superintendent shall cause the date and purpose of the election to be published once a  
1388 week for two weeks immediately preceding the date thereof in the official organ of Fulton  
1389 County. The ballot shall have written or printed thereon the words:

1390 "( ) YES Shall the Act incorporating the City of South Fulton in Fulton County and  
1391 ( ) NO granting the homestead exemptions described therein be approved?"

1392 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
1393 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
1394 cast on such question are for approval of the Act, it shall become of full force and effect;  
1395 otherwise, it shall thereafter be void and of no force and effect. The expense of the special  
1396 election set forth in this section shall be borne by Fulton County. It shall be the duty of the  
1397 superintendent to hold and conduct such election. It shall be his or her further duty to certify  
1398 the result thereof to the Secretary of State.

1399 **SECTION 7.15.**

1400 Effective dates.

1401 (a) Sections 1.10 and 1.11 of this charter and those provisions of this charter necessary for  
1402 the special election provided for in Section 7.14 of this charter shall become effective  
1403 immediately upon this Act's approval by the Governor or upon its becoming law without  
1404 such approval.

1405 (b) Those provisions of this Act necessary for the special election to be held on the third  
1406 Tuesday in March, 2017, as provided by Article II of this charter, shall be effective upon the  
1407 certification of the results of the referendum election provided for by Section 7.14 of this  
1408 charter, if this Act is approved at such referendum election.

1409 (c) The remaining provisions of this Act shall become of full force and effect for all  
1410 purposes on May 1, 2017, except that the initial mayor and councilmembers shall take office  
1411 immediately following their election and by action of a quorum may prior to May 1, 2017,  
1412 meet and take actions binding on the city.

1413 **SECTION 7.16.**

1414 Transition.

1415 (a) A period of time will be needed for an orderly transition of various government functions  
1416 from Fulton County to the City of South Fulton. Accordingly, there shall be a transition  
1417 period beginning on the date of the certification of the referendum results approving the  
1418 incorporation of the City of South Fulton and ending at midnight on the last day of the  
1419 twenty-fourth month following such date. During such transition period, all provisions of  
1420 this charter shall be effective as law, but not all provisions of this charter shall be  
1421 implemented.

1422 (b) During such transition period, Fulton County shall continue to provide within the  
1423 territorial limits of the City of South Fulton all government services and functions which  
1424 Fulton County provided in that area during 2016 and at the same actual cost, except to the  
1425 extent otherwise provided in this section; provided, however, that upon at least 30 days' prior  
1426 written notice to Fulton County by the City of South Fulton, responsibility for any such  
1427 service or function shall be transferred to the City of South Fulton. Beginning on May 1,  
1428 2017, the City of South Fulton shall collect taxes, fees, assessments, fines and forfeitures,  
1429 and other moneys within the territorial limits of the City of South Fulton; provided, however,  
1430 that upon at least 30 days' prior written notice to Fulton County by the City of South Fulton,  
1431 the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall  
1432 remain with Fulton County after May 1, 2017, until such time as Fulton County receives

1433 subsequent notice from the City of South Fulton that such authority shall be transferred to  
1434 the City of South Fulton.

1435 (c) During the transition period, the governing authority of the City of South Fulton:

1436 (1) Shall hold regular meetings and may hold special meetings as provided in this  
1437 charter;

1438 (2) May enact ordinances and resolutions as provided in this charter;

1439 (3) May amend this charter by home rule action as provided by general law;

1440 (4) May accept gifts and grants;

1441 (5) May borrow money and incur indebtedness to the extent authorized by this charter  
1442 and general law;

1443 (6) May levy and collect an ad valorem tax for calendar years 2018 and 2019;

1444 (7) May establish a fiscal year and budget;

1445 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies  
1446 of the city; appoint and remove officers and employees; and exercise all necessary or  
1447 appropriate personnel and management functions; and

1448 (9) May generally exercise any power granted by this charter or general law, except to  
1449 the extent that a power is specifically and integrally related to the provision of a  
1450 governmental service, function, or responsibility not yet provided or carried out by the  
1451 city.

1452 (d) Except as otherwise provided in this section, during the transition period, the Municipal  
1453 Court of the City of South Fulton shall not exercise its jurisdiction. During the transition  
1454 period, all ordinances of Fulton County shall remain applicable within the territorial limits  
1455 of the City of South Fulton and the appropriate court or courts of Fulton County shall retain  
1456 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent  
1457 resolutions and ordinances if needed) Fulton County and the City of South Fulton may during  
1458 the transition period transfer all or part of such regulatory authority and the appropriate court  
1459 jurisdiction to the City of South Fulton. Any transfer of jurisdiction to the City of South  
1460 Fulton during or at the end of the transition period shall not in and of itself abate any judicial  
1461 proceeding pending in Fulton County or the pending prosecution of any violation of any  
1462 ordinance of Fulton County.

1463 (e) During the transition period, the governing authority of South Fulton may at any time,  
1464 without the necessity of any agreement by Fulton County, commence to exercise its planning  
1465 and zoning powers; provided, however, that the city shall give the county notice of the date  
1466 on which the city will assume the exercise of such powers. Upon the governing authority of  
1467 South Fulton commencing to exercise its planning and zoning powers, the Municipal Court  
1468 of the City of South Fulton shall immediately have jurisdiction to enforce the planning and

1469 zoning ordinances of the city. The provisions of this subsection shall control over any  
1470 conflicting provisions of any other subsection of this section.

1471 (f) Effective upon the termination of the transition period, subsections (b) through (e) of this  
1472 section shall cease to apply except for the last sentence of subsection (d) which shall remain  
1473 effective. Effective upon the termination of the transition period, the City of South Fulton  
1474 shall be a full functioning municipal corporation and subject to all general laws of this state.

1475 **SECTION 7.17.**  
1476 Directory nature of dates.

1477 It is the intention of the General Assembly that this Act be construed as directory rather than  
1478 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
1479 action called for in this Act for providential cause or any other reason, it is the intention of  
1480 the General Assembly that the action be delayed rather than abandoned. Any delay in  
1481 performing any action under this Act, whether for cause or otherwise, shall not operate to  
1482 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is  
1483 specifically provided that:

- 1484 (1) If it is not possible to hold the referendum election provided for in Section 7.14 of  
1485 this Act on the date specified in that section, then such referendum shall be held as soon  
1486 thereafter as is reasonably practicable; and  
1487 (2) If it is not possible to hold the first municipal election provided for in Section 2.11  
1488 of this Act on the date specified in that section, then there shall be a special election for  
1489 the initial members of the governing authority to be held as soon thereafter as is  
1490 reasonably practicable, and the commencement of the initial terms of office shall be  
1491 delayed accordingly.

1492 **SECTION 7.18.**  
1493 Charter commission.

1494 At the first regularly scheduled city council meeting, five years after the inception of the City  
1495 of South Fulton, the mayor and city council shall call for a charter commission to review the  
1496 city's experience and recommend to the General Assembly any changes to the city charter.  
1497 Members of the charter commission shall be appointed as follows: one by the mayor, one by  
1498 the city council, and one by each member of the Georgia House of Representatives and  
1499 Senate whose district lies wholly or partially within the corporate boundaries of the City of  
1500 South Fulton. All members of the charter commission must reside in the City of South

1501 Fulton. The commission must complete the recommendations within six months of its  
1502 creation.

1503 **SECTION 7.19.**

1504 Severability.

1505 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
1506 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
1507 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
1508 force and effect, as if the section, subsection, sentence, clause, or phrase so declared or  
1509 adjudged invalid or unconstitutional were not originally a part hereof. The General  
1510 Assembly hereby declares that it would have passed the remaining parts of this Act if it had  
1511 known that such part or parts hereof would be declared or adjudged invalid or  
1512 unconstitutional.

1513 **SECTION 7.20.**

1514 General repealer.

1515 All laws and parts of laws in conflict with this Act are repealed.

1516 APPENDIX A  
1517 CORPORATE LIMITS  
1518 CITY OF SOUTH FULTON

1519 The City of South Fulton shall include all the territory embraced within the following census  
1520 blocks based upon the 2010 United States decennial census but shall not include any territory  
1521 that was annexed into another municipality before July 1, 2016, and shall not include the  
1522 territory included within the Fulton County Industrial District unless the local constitutional  
1523 amendment creating such district is repealed or determined judicially to be of no force and  
1524 effect prior to the first municipal election for the city:

1525 Fulton County  
1526 VTD: 12109B - 09B  
1527 008202:  
1528 4002  
1529 VTD: 12111E4 - 11E4  
1530 007706:  
1531 2028  
1532 VTD: 121CP08B - CP08B  
1533 010511:  
1534 2004  
1535 VTD: 121EP08A - EP08A  
1536 011305:  
1537 3015 3017  
1538 011306:  
1539 1031 2008 2018 2021  
1540 VTD: 121FA01A - FA01A  
1541 010400:  
1542 3064 3066 3078 3079 3087 3099  
1543 010514:  
1544 2051 2078 2086 2100 2101 2102  
1545 VTD: 121FA01B - FA01B  
1546 010510:  
1547 3126  
1548 VTD: 121SC01 - SC01  
1549 VTD: 121SC02 - SC02  
1550 VTD: 121SC04 - SC04

1551 VTD: 121SC05 - SC05  
 1552 VTD: 121SC07 - SC07  
 1553 010304:  
 1554 2087 2103 2105 2106 2107 2108 2109 2112  
 1555 010400:  
 1556 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019  
 1557 3021 3028 3029 3042 3043 3053 3054 3065 3080  
 1558 010513:  
 1559 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060  
 1560 1061 1062 1078 1098 1119 2022 2024 2029 2030 2056 3045  
 1561 010514:  
 1562 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022  
 1563 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034  
 1564 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061  
 1565 1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003  
 1566 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015  
 1567 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028  
 1568 2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045  
 1569 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074  
 1570 2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110  
 1571 2111 3055 3056 3079 3080  
 1572 VTD: 121SC08 - SC08  
 1573 010507:  
 1574 3066  
 1575 010510:  
 1576 2003 4000 4001 4009  
 1577 010511:  
 1578 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046  
 1579 1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012  
 1580 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029  
 1581 2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042  
 1582 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058  
 1583 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013  
 1584 3014 3015  
 1585 010512:  
 1586 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001  
 1587 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015

1588 2019 2020 2035 2036  
 1589 010513:  
 1590 1007 1008 1063 1064 1069 1070 1071 1073 1074 1075 1077 1087  
 1591 1088 1089 1094 1096 1097 1102 1105 1109 1110  
 1592 VTD: 121SC09 - SC09  
 1593 VTD: 121SC10 - SC10  
 1594 010507:  
 1595 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056  
 1596 3057 3059 3060 3067 3068  
 1597 010511:  
 1598 2066  
 1599 VTD: 121SC11 - SC11  
 1600 VTD: 121SC13A - SC13A  
 1601 VTD: 121SC13B - SC13B  
 1602 010301:  
 1603 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050  
 1604 1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067  
 1605 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093  
 1606 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115  
 1607 1116 1119 1123 1137  
 1608 VTD: 121SC14 - SC14  
 1609 VTD: 121SC16A - SC16A  
 1610 VTD: 121SC16B - SC16B  
 1611 VTD: 121SC17 - SC17  
 1612 010511:  
 1613 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052  
 1614 1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066  
 1615 010513:  
 1616 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103  
 1617 1104 1106 1107 1117  
 1618 VTD: 121SC18 - SC18  
 1619 007706:  
 1620 2007 2014 2017 2018 2019 2020 2021 2023 2029  
 1621 010304:  
 1622 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027  
 1623 1030 1031 1032 1033 1034 1035 1036 2000 2001 2004 2011 2012  
 1624 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

1625 2025 2026 2041 2042 2043 2044 2045 2072 2073 2075 2078 2081  
 1626 2092 2093 2115  
 1627 VTD: 121SC19 - SC19  
 1628 010507:  
 1629 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021  
 1630 3022  
 1631 010511:  
 1632 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067  
 1633 010604:  
 1634 3011 3012 3013 3015 3016  
 1635 011305:  
 1636 3018 3019 3020 3021  
 1637 011306:  
 1638 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025  
 1639 2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039  
 1640 VTD: 121SC21 - SC21  
 1641 010510:  
 1642 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026  
 1643 3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044  
 1644 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064  
 1645 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077  
 1646 3078 3079 3080 3082 3083 3085 3086 3087 3088 3089 3091 3096  
 1647 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115  
 1648 3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216  
 1649 3217 3220 3221 3222  
 1650 010513:  
 1651 2036  
 1652 010515:  
 1653 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046  
 1654 1048  
 1655 VTD: 121SC23 - SC23  
 1656 VTD: 121SC27 - SC27  
 1657 VTD: 121SC29 - SC29  
 1658 VTD: 121SC30 - SC30  
 1659 007703:  
 1660 3000 3001 3002 3003 3016  
 1661 007704:

1662 3005 3006  
1663 007802:  
1664 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012  
1665 007806:  
1666 2002 2020 2021 2022 2023 2024  
1667 007900:  
1668 3017 3018 3019 3038 3042 3051 3052 3058  
1669 VTD: 121UC02 - UC02  
1670 010510:  
1671 3014  
1672 010513:  
1673 2037 2057  
1674 VTD: 121UC03A - UC03A  
1675 010510:  
1676 3008

1677 For the purposes of this description, the term "VTD" shall mean and describe the same  
1678 geographical boundaries as provided in the report of the Bureau of the Census for the United  
1679 States decennial census of 2010 for the State of Georgia. The separate numeric designations  
1680 in the description which are underneath a VTD heading shall mean and describe individual  
1681 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1682 States decennial census of 2010 for the State of Georgia.

1683  
1684  
1685

APPENDIX B  
CITY COUNCIL DISTRICTS  
CITY OF SOUTH FULTON

1686 Plan: SF-7dpi  
1687 Plan Type: Local  
1688 Administrator: HD61  
1689 User: bak

1690 District 001  
1691 Fulton County  
1692 VTD: 12109B - 09B  
1693 008202:  
1694 4002  
1695 VTD: 121SC01 - SC01  
1696 007802:  
1697 2017  
1698 010303:  
1699 1000 1001 1002 1003 1004 1014 1015 1016 1017 1018 1019 1020  
1700 1040 1041 1043 2049 2050 2051 2053 2054 2055 2056 2057 2058  
1701 2059 2060 2061 2062 2063 2064 2065 2070 2081  
1702 010304:  
1703 1000 1001 1002 1003 1004  
1704 VTD: 121SC02 - SC02  
1705 VTD: 121SC14 - SC14  
1706 VTD: 121SC16A - SC16A  
1707 VTD: 121SC16B - SC16B  
1708 VTD: 121SC30 - SC30  
1709 007703:  
1710 3000 3001 3002 3003 3016  
1711 007704:  
1712 3005 3006  
1713 007802:  
1714 1000 1001 1002 1003 1004 1006 1016 1018 1025 1027 1028 4012  
1715 007806:  
1716 2002 2020 2021 2022 2023 2024

1717 007900;

1718 3017 3018 3019 3038 3042 3051 3052 3058

1719 District 002

1720 Fulton County

1721 VTD: 12111E4 - 11E4

1722 007706;

1723 2028

1724 VTD: 121SC01 - SC01

1725 010303;

1726 1048 1049 1050 1051

1727 010304;

1728 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1022 1028

1729 1029

1730 VTD: 121SC13A - SC13A

1731 VTD: 121SC18 - SC18

1732 007706;

1733 2007 2014 2017 2018 2019 2020 2021 2023 2029

1734 010304;

1735 1015 1016 1017 1018 1019 1020 1021 1023 1024 1025 1026 1027

1736 1030 1031 1032 1033 1034 1035 1036 2000 2001 2016 2017 2018

1737 2019 2020 2021 2022 2023 2024 2025 2026

1738 District 003

1739 Fulton County

1740 VTD: 121EP08A - EP08A

1741 011305;

1742 3015 3017

1743 011306;

1744 1031 2008 2018 2021

1745 VTD: 121SC05 - SC05

1746 010301;

1747 1095 2034 2035 2038 2039 2040 2042 2043 2044 2045 2046 2047

1748 2048 2049

1749 010304;

1750 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038

1751 2039 2040 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055

1752 2056 2057 2060 2061 2063 2064 2065 2066 2067 2068 2069 2070  
 1753 2071 2083 2085 2089 2090 2091 2094 2095 2096 2097 2098 2099  
 1754 2100 2101 2114  
 1755 010513:  
 1756 1009 1025 1026  
 1757 010514:  
 1758 1000  
 1759 VTD: 121SC08 - SC08  
 1760 010513:  
 1761 1007 1008 1063 1064 1069 1070 1073 1074 1075 1087 1088 1089  
 1762 1094 1102 1110  
 1763 VTD: 121SC17 - SC17  
 1764 010511:  
 1765 1019 1020 1021 1022 1023 1027 1028 1029 1032 1050 1051 1052  
 1766 1053 1054 1055 1056 1057 1058 1059 1063 1064 1065 1066  
 1767 010513:  
 1768 1001 1005 1016 1030 1031 1032 1037 1038 1039 1041 1042 1103  
 1769 1104 1106 1107 1117  
 1770 VTD: 121SC18 - SC18  
 1771 010304:  
 1772 2004 2011 2012 2013 2014 2015 2041 2042 2043 2044 2045 2072  
 1773 2073 2075 2078 2081 2092 2093 2115  
 1774 VTD: 121SC19 - SC19  
 1775 010511:  
 1776 1012 1013 1015 1016 1018 1024 1025 1026 1030 1031 1067  
 1777 010604:  
 1778 3011 3012 3013 3015 3016  
 1779 011305:  
 1780 3018 3019 3020 3021  
 1781 011306:  
 1782 1011 1012 1032 1033 1034 1036 1038 1039 1040 2019 2020 2025  
 1783 2028 2029 2030 2031 2032 2033 2035 2036 2037 2038 2039  
  
 1784 District 004  
 1785 Fulton County  
 1786 VTD: 121FA01A - FA01A

1787 010400:  
 1788 3064 3066 3078 3079 3087 3099  
 1789 010514:  
 1790 2051 2078 2086 2100 2101 2102  
 1791 VTD: 121SC04 - SC04  
 1792 VTD: 121SC05 - SC05  
 1793 010301:  
 1794 1048 1054 1055 2009 2010 2011 2013 2014 2015 2016 2017 2018  
 1795 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030  
 1796 2031 2032 2033 2051 2052 2053  
 1797 VTD: 121SC07 - SC07  
 1798 010304:  
 1799 2087 2103 2105 2106 2107 2108 2109 2112  
 1800 010400:  
 1801 3000 3003 3005 3006 3008 3009 3011 3012 3013 3014 3017 3019  
 1802 3021 3028 3029 3042 3043 3053 3054 3065 3080  
 1803 010513:  
 1804 1021 1022 1043 1044 1045 1048 1049 1050 1051 1052 1055 1060  
 1805 1061 1062 1078 1098 1119 3045  
 1806 010514:  
 1807 1002 1003 1004 1005 1006 1012 1013 1014 1017 1019 1021 1022  
 1808 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034  
 1809 1036 1037 1043 1044 1046 1051 1054 1055 1056 1057 1059 1061  
 1810 1062 1063 1065 1066 1067 1073 1087 1088 1089 2000 2002 2003  
 1811 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015  
 1812 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2028  
 1813 2029 2030 2031 2032 2033 2034 2035 2038 2040 2043 2044 2045  
 1814 2046 2054 2055 2057 2059 2060 2061 2068 2071 2072 2073 2074  
 1815 2075 2076 2077 2080 2085 2087 2091 2094 2098 2108 2109 2110  
 1816 2111  
 1817 VTD: 121SC08 - SC08  
 1818 010513:  
 1819 1077  
 1820 VTD: 121SC13B - SC13B  
 1821 010301:  
 1822 1016 1017 1018 1026 1027 1028 1029 1030 1031 1032 1049 1050  
 1823 1051 1052 1053 1056 1057 1058 1062 1063 1064 1065 1066 1067

1824 1068 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093  
 1825 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1110 1115  
 1826 1116 1119 1123 1137  
  
 1827 District 005  
 1828 Fulton County  
 1829 VTD: 121CP08B - CP08B  
 1830 010511:  
 1831 2004  
 1832 VTD: 121SC08 - SC08  
 1833 010507:  
 1834 3066  
 1835 010510:  
 1836 2003 4000 4001 4009  
 1837 010511:  
 1838 1033 1034 1035 1036 1037 1038 1039 1040 1041 1043 1045 1046  
 1839 1047 1048 1049 1061 1062 2005 2006 2008 2009 2010 2011 2012  
 1840 2013 2014 2015 2017 2018 2019 2020 2021 2024 2027 2028 2029  
 1841 2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042  
 1842 2043 2044 2045 2046 2047 2051 2052 2053 2054 2055 2056 2058  
 1843 2062 2064 3000 3001 3002 3003 3004 3005 3008 3011 3012 3013  
 1844 3014 3015  
 1845 010512:  
 1846 1002 1003 1004 1005 1006 1007 1008 1016 1017 1024 1025 2001  
 1847 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2015  
 1848 2019 2020 2035 2036  
 1849 010513:  
 1850 1071 1096 1097 1105 1109  
 1851 VTD: 121SC09 - SC09  
 1852 010507:  
 1853 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011  
 1854 4012 4013 4014 4015 4016 4017 4018  
 1855 010508:  
 1856 1012 1013 1014 1015 1016 1017 1018 1019 1020  
 1857 010510:  
 1858 2002 2013 4003 4004 4005 4006 4008 4010

1859 VTD: 121SC10 - SC10  
 1860 010507:  
 1861 1006 1008 2001 2002 2003 2004 2005 2006 2007 3037 3055 3056  
 1862 3057 3059 3060 3067 3068  
 1863 010511:  
 1864 2066  
 1865 VTD: 121SC19 - SC19  
 1866 010507:  
 1867 3002 3004 3005 3006 3007 3008 3009 3010 3011 3017 3020 3021  
 1868 3022  
  
 1869 District 006  
 1870 Fulton County  
 1871 VTD: 121SC09 - SC09  
 1872 010508:  
 1873 1009 1010 1011 1021 1022 1023 1024 1025 1026 1027 1028 1029  
 1874 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1045 1046  
 1875 VTD: 121SC11 - SC11  
 1876 VTD: 121SC23 - SC23  
 1877 010516:  
 1878 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012  
 1879 2013 2014 2015 2016 2019 2020 2021 2022 2023 2024 2025 2026  
 1880 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037  
 1881 VTD 121SC27 - SC27  
  
 1882 District 007  
 1883 Fulton County  
 1884 VTD: 121FA01B - FA01B  
 1885 010510:  
 1886 3126  
 1887 VTD: 121SC07 - SC07  
 1888 010513:  
 1889 2022 2024 2029 2030 2056  
 1890 010514:  
 1891 3055 3056 3079 3080  
 1892 VTD: 121SC21 - SC21

1893 010510:  
 1894 2019 2020 2021 3002 3010 3011 3012 3013 3015 3016 3017 3026  
 1895 3027 3028 3029 3031 3034 3036 3037 3038 3039 3042 3043 3044  
 1896 3045 3046 3047 3048 3049 3050 3051 3052 3053 3054 3055 3064  
 1897 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076 3077  
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 1899 3102 3103 3104 3105 3106 3107 3108 3109 3110 3112 3114 3115  
 1900 3116 3127 3174 3186 3187 3188 3189 3190 3192 3214 3215 3216  
 1901 3217 3220 3221 3222  
 1902 010513:  
 1903 2036  
 1904 010515:  
 1905 1022 1023 1024 1025 1036 1037 1038 1039 1040 1041 1042 1046  
 1906 1048  
 1907 VTD: 121SC23 - SC23  
 1908 010510:  
 1909 1027  
 1910 010515:  
 1911 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1912 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1028 1044  
 1913 1045  
 1914 010516:  
 1915 2011 2017 2018  
 1916 VTD: 121SC29 - SC29  
 1917 VTD: 121UC02 - UC02  
 1918 010510:  
 1919 3014  
 1920 010513:  
 1921 2037 2057  
 1922 VTD: 121UC03A - UC03A  
 1923 010510:  
 1924 3008

1925 For the purposes of this plan (SF-7dp1):

1926 (1) The term "VTD" shall mean and describe the same geographical boundaries as  
 1927 provided in the report of the Bureau of the Census for the United States decennial census  
 1928 of 2010 for the State of Georgia. The separate numeric designations in a district

1929 description which are underneath a VTD heading shall mean and describe individual  
1930 blocks within a VTD as provided in the report of the Bureau of the Census for the United  
1931 States decennial census of 2010 for the State of Georgia;

1932 (2) Except as otherwise provided in the description of any district, whenever the  
1933 description of any district refers to a named city, it shall mean the geographical  
1934 boundaries of that city as shown on the census maps for the United States decennial  
1935 census of 2010 for the State of Georgia;

1936 (3) Any part of the City of South Fulton which is not included in any district described  
1937 in this plan (SF-7dp1) shall be included within that district contiguous to such part which  
1938 contains the least population according to the United States decennial census of 2010 for  
1939 the State of Georgia; and

1940 (4) Any part of the City of South Fulton which is described in this plan (SF-7dp1) as  
1941 being included in a particular district shall nevertheless not be included within such  
1942 district if such part is not contiguous to such district. Such noncontiguous part shall  
1943 instead be included within that district contiguous to such part which contains the least  
1944 population according to the United States decennial census of 2010 for the State of  
1945 Georgia.

1946 (5) Any part of the territory described in this plan (SF-7dp1) that has been annexed into  
1947 another municipality before July 1, 2016, shall nevertheless not be included in any of the  
1948 districts described in the plan.

1949 APPENDIX C  
1950 CERTIFICATE AS TO MINIMUM STANDARDS  
1951 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1952 I, Representative Roger Bruce, Georgia State Representative from the 61st District and the  
1953 author of this bill introduced at the 2015 session of the General Assembly of Georgia, which  
1954 grants an original municipal charter to the City of South Fulton, do hereby certify that this  
1955 bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1956 O.C.G.A. in that the area embraced within the original incorporation in this bill is in all  
1957 respects in compliance with the minimum standards required by Chapter 31 of Title 36 of the  
1958 O.C.G.A. This certificate is executed to conform to the requirements of Code  
1959 Section 36-31-5 of the O.C.G.A.

1960 So certified, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

1961 \_\_\_\_\_  
1962 Honorable Roger Bruce  
1963 Representative, 61st District  
1964 Georgia State House of Representatives



# **DIVIDER SHEET**

**ORDINANCE No. 2017-002**

**AN ORDINANCE OF THE CITY OF SOUTH FULTON, GEORGIA, ADOPTING  
AND ENACTING A NEW CODE FOR CITY OF SOUTH FULTON, GEORGIA;  
AND FOR OTHER PURPOSES.**

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

**Section 1.** The document entitled the "Code of City of South Fulton, Georgia," a copy whereof accompanies this ordinance and is incorporated herein and made a part hereof, is hereby adopted and shall be treated and considered as a new and original comprehensive ordinance.

**Section 2.** Pursuant to Section 7.15 of the City Charter, the City of South Fulton incorporates on May 1, 2017; provided, however, the initial mayor and city council may, prior to May 1, 2017, meet and take actions binding on the City. Further, Section 7.16(d) of the City Charter, all ordinances of Fulton County, Georgia, shall remain applicable within the City of South Fulton unless amended or adopted by ordinance or resolution of the City of South Fulton; provided, however, any legislative decisions mandated by the Fulton County ordinances shall be undertaken by the City Council of the City of South Fulton.

**Section 3.** reserved

**Section 4.** reserved

**Section 5.** Any and all additions or amendments to the code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated into the code so that reference to the "Code of City of South Fulton, Georgia," shall be understood and intended to include such additions and amendments.

**Section 6.** A copy of the code shall be kept on file in the office of the city clerk, and preserved in loose-leaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk or someone authorized by the city clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the city council to make those provisions a part of the code, when those provisions have been reprinted in page form, and to extract from the code all provisions which may be from time to time repealed by the city council. A copy of the code shall be available for all persons desiring to examine it and shall be considered the official Code of City of South Fulton, Georgia.

**Section 7.** As pages of the code are replaced because the matter contained on them shall have been repealed, amended, or otherwise shall have been superseded or rendered obsolete or inoperative, the city clerk shall retain copies of the pages of the code so superseded, rendered obsolete or otherwise rendered inoperative in a file so that the former provisions of the code may be readily available and easily found. The purpose of this section is to permit anyone desiring to do so to ascertain the precise status of any section of the code as of any given date.

**Section 8.** In case of the amendment of any section of the code for which a penalty is not provided, the general penalty as provided in the City Charter of the code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

**Section 9.** It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of the code, or to insert or delete pages or portions thereof, or to alter or tamper with the code in any manner whatsoever which may cause the law of City of South Fulton, Georgia to be misrepresented thereby.

**Section 10.** reserved

**Section 11.** This ordinance shall be in force and take effect on

Adopted this 29th day of April, 2017.

**APPROVED AND ADOPTED** this 29<sup>th</sup> day of April, 2017.

The foregoing Ordinance No. Ord 2017-002 was offered by Councilmember Rowell, who moved its approval. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

|                                               | AYE                                 | NAY                      |
|-----------------------------------------------|-------------------------------------|--------------------------|
| William "Bill" Edwards, Mayor                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Catherine Foster Rowell, <u>Mayor Pro Tem</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carmalitha Lizandra Gumbs                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Zenobia Willis                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gertrude Naeema Gilyard                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Rosie Jackson                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| khalid kamau                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mark Baker                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

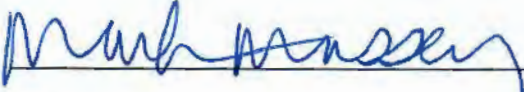
**\*\* The Title Mayor Pro Tem will be added behind the name of the person selected.**

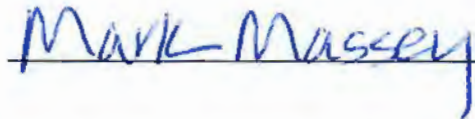
THIS RESOLUTION adopted this 29th day of April, 2017. **CITY OF SOUTH  
FULTON, GEORGIA**



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

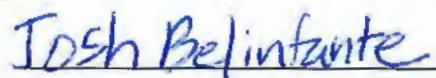


, ~~INTERIM~~ CITY CLERK



APPROVED AS TO FORM:



, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-003**

**ADOPTION OF ORDINANCES GOVERNING CITY COUNCIL MEETINGS.**

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

**WHEREAS**, Act 421, 2016 p. 3726, passed during the 2016 session of the Georgia General Assembly, creates the City of South Fulton Charter (the "Charter");

**WHEREAS**, the Charter provides that the City of South Fulton incorporates on May 1, 2017;

**WHEREAS**, Section 7.15(c) of the City Charter authorizes the elected Mayor and City Councilmembers to meet prior to May 1, 2017 and take actions to bind the City;

**WHEREAS**, on April 23, 2017, the Fulton County City Council of Elections certified the election results of the runoff elections of the Mayor and City Councilmembers;

**WHEREAS**, the City is charged holding and conducting meetings;

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

**Section 1:** The City of South Fulton Code of Ordinances, Part 2, Title 1 is established as follows:

**Title 1: USE OF THE CODE**

**CHAPTER 1. - GENERAL PROVISIONS**

**Sec. 1-1001. - How Code designated and cited.**

The ordinances embraced in the following parts, chapters, articles and sections shall constitute and be designated "The Code of Ordinances, City of South Fulton, Georgia," and may be so cited.

**Sec. 1-1002. - Reserved.**

**Sec. 1-1003. - Rules of construction.**

In the construction of this Code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

- (1) *Charter*. The word "Charter" shall mean the Charter of the City, as it now exists or as it may be amended in the future.

- (2) *City*. The words "city," "the city" or "this city" shall be construed as if the words "of South Fulton, Georgia" followed them.
- (3) *Code*. Whenever the term "Code" or "this Code" is referred to without further qualification, it shall mean The Code of Ordinances, City of South Fulton, Georgia, as designated in section 1-1001.
- (4) *Computation of time*. Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day or the last; except that if the last day shall fall on Saturday, Sunday or a legal holiday, another day shall be added in the computation.
- (5) *Council*. The words "council" or "city council" shall be construed as if the words "of South Fulton, Georgia" followed them.
- (6) *County*. The words "the county" or "this county" shall mean Fulton County, Georgia.
- (7) *Court*. The word "court" shall mean the recorder's court of the city.
- (8) *Gender*. The masculine gender includes the feminine and the neuter.
- (9) *Joint authority*. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, or to a quorum.
- (10) *Judge*. The word "judge" shall mean the judge of the city court of the city.
- (11) *Keeper and proprietor*. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.
- (12) *Land*. "Land" and "real estate" includes rights and easements of an incorporeal nature.
- (13) *Month*. The word "month" shall mean a calendar month.
- (14) *Number*. The singular or plural shall each include the other, unless expressly excluded.
- (15) *Oath*. The word "oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples against taking an oath. An affirmation has the same force and effect as an oath.
- (16) *Officers, departments, boards, commissions*. Any reference to the title of an officer, department, board or commission shall be construed as if the words "of South Fulton, Georgia" followed them.
- (17) *O.C.G.A.* The abbreviation "O.C.G.A." shall mean the Official Code of Georgia Annotated, as amended.
- (18) *Or, and*. "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- (19) *Owner*. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, and joint tenant or person in possession under a bond for title.
- (20) *Person*. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

- (21) *Personal property.* The term "personal property" means all tangible personal property and all intangible personal property as the terms are defined in O.C.G.A. § 48-1-2(19).
- (22) *Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.
- (23) *Property.* The term "property" includes real and personal property.
- (24) *Public place.* The term "public place" shall mean any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household.
- (25) *Real property.* The term "real property" shall include all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.
- (26) *Shall, may* The word "shall" is mandatory; the word "may" is permissive.
- (27) *Sidewalk.* The word "sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a railway, and the adjacent property lines, intended for by use pedestrians.
- (28) *Signature or subscription.* "Signature" or "subscription" includes the mark of an illiterate or infirm person.
- (29) *State.* The words "the state" or "this state" shall be construed to mean the State of Georgia.
- (30) *Street.* The word "street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (31) *Tenant or occupant.* The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of, such building or land, either alone or with others.
- (32) *Tense.* Words used in the past or present tense shall include the future as well as the past and present.
- (33) *Written, in writing.* "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (34) *Year.* The word "year" shall mean a calendar year.

#### **Sec. 1-1004. - Severability of parts of Code.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code, or its application to any persons or circumstances, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or other invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code or their application, since the same would have been enacted by the city council without the incorporation in this Code of any such unconstitutional or otherwise invalid phrase, clause, sentence, paragraph or section.

#### **Sec. 1-1005. - Catch lines of sections, etc.**

The catch lines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of the sections nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, are amended or re-enacted. No provision of this Code shall be held invalid by reason of deficiency in any catch line or any heading or title to any part, chapter or article.

The history notes appearing in parenthesis after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

The editor's notes, Charter references, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

**Sec. 1-1006. - General penalty; continuing violations.**

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code any such ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail for not more than ninety (90) days, or labor on the public works or streets in the city for not more than ninety (90) days, or community service work for not more than ninety (90) days, subject to all limitation contained in the charter of the city. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

**Sec. 1-1007. - Reserved**

**Sec. 1-1008. - Reserved**

**Sec. 1-1009. - Reserved**

**Sec. 1-1010. - Formal motion, resolution or recommendation required for passage of new ordinance.**

No proposed ordinance for introduction or consideration and enactment thereof shall be drawn, prepared or considered for enactment, which shall not have been previously requested by a formal motion, resolution or recommendation of someone (1) or more members of the city council, and entered on the minutes of the city council.

**Sec. 1-1011. - Altering Code.**

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the city council, which will cause the law of the city to be misrepresented thereby.

**Sec. 1-1012. - Official city time.**

- (a) Time referred to in ordinances, resolutions, rules and regulations of the city shall mean Eastern Standard Time, and acts and deeds of commission prohibited after a named hour or before a named hour shall be held and understood to mean such

hour by Eastern Standard Time, and wherever any reference to time is made in any of the ordinances and regulations of the city, the rules, ordinances and regulations are hereby amended to provide that the time provided therein shall be and is hereby made Eastern Standard Time in accordance with the laws of this state.

- (b) Notwithstanding the provisions of subsection (a), Eastern Daylight Saving Time shall apply when such time is in effect in this state.

**Sec. 1-1013. - Reserved**

**Sec. 1-1014. - Supplementation of Code.**

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the mayor and council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the mayor and council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings, and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated in the Code); and
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted in the Code; but in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement of already embodied in the Code.

**Title 2: Legislature**

Ch. 1. General Provisions

Ch. 2. Mayor and Council

Ch. 3. Elections

Ch. 4. Ethics Policy

## **CHAPTER 1. - GENERAL PROVISIONS**

### **Sec. 2-1001. - Public records; ordinances, resolutions; removal from office; penalty.**

No original book, record, paper, document, bond, receipt, order, check, writing, or entry thereon shall be removed from the office, agency, or department wherein it belongs, except by special permission of the city council or written direction of the mayor, and then only for such temporary time and legitimate purpose as may be lawful and necessary, nor shall any unauthorized erasure, alteration, obliteration, mutilation, concealment, or destruction of any of the foregoing be allowed.

### **Sec. 2-1002. - Same; bonds, contracts, etc.; duty to file with city clerk.**

It shall be the duty of every officer, agent and employee of the city and of every officer, agent and employee of every board, bureau, commission, committee and department of the city, to promptly file and deposit, for safekeeping with the city clerk, every bond, contract and writing required of him by the city, or required by any board, bureau, commission, committee, department, officer, agent or employee of the city.

### **Sec. 2-1003. - Same; reception and safekeeping by clerk; withdrawal from custody.**

It shall be the duty of the city clerk to receive and safely keep any and all bonds, contracts, papers and writings required by the city or required of officers, agents and employees of the several departments, boards, bureaus, commissions and committees of the city; and bonds, contracts, papers and writings filed and deposited with the city clerk, as required by this section and the preceding section of this chapter, shall not be withdrawn from the custody of the city clerk, except with the approval of the city council.

### **Sec. 2-1004. - Same; issuance of certificate showing presence or absence of liens.**

On completion of an examination of land records the clerk or his assistant shall furnish the person making written request for the examination, his agent or attorney a certified statement under the corporate seal of the city, showing whether the city has any tax, sewer, sidewalk or other liens, assessments or charges against the property particularly described in such written request, which certified statement shall be in substantially the following form:

#### **CITY OF SOUTH FULTON CERTIFICATE**

I do hereby certify that all that tract or parcel of land situated, lying and being in the City of South Fulton, and more particularly described on the books of said city as follows:

(Here insert city description of property)

is not subject to any City of South Fulton liens, assessments or charges except as follows:

| Taxes      |      |      | Sewers |      |      | Sidewalks |      |      | Other |      |      |
|------------|------|------|--------|------|------|-----------|------|------|-------|------|------|
| Prin.      | Int. | Cost | Prin.  | Int. | Cost | Prin.     | Int. | Cost | Prin. | Int. | Cost |
| \$         | \$   | \$   | \$     | \$   | \$   | \$        | \$   | \$   | \$    | \$   | \$   |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |
| Year _____ |      |      |        |      |      |           |      |      |       |      |      |

I do not certify as to any particular description, size, frontage, depth, lines or boundaries of said property except as indicated above, nor do I certify anything as to the ownership of said property.

IN WITNESS WHEREOF, I have hereunto set my official signature and the seal of said city this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_.

South Fulton City Clerk

**Sec. 2-1005. - Correspondence, writings, to be spread upon minutes of council; exceptions.**

Letters to the mayor, city council, councilman committees, or to any other employee, officer, or agencies of the city, and any other writings relating to contracts or proposed contracts, and all formal appeals, claims, complaints, offers, proposals, acceptance, agreements, objections and refusals requiring action by the city council shall be included in and spread upon its minutes, but such minutes shall not include mere complimentary communications or letters of appreciation or thanks which do not require action thereon by the city council or some agency of the city, nor admit proper performance of a contract or duty imposed on the city by law.

**Sec. 2-1006. - Documents to which city is a party to be approved by authorized agent.**

It shall be unlawful for any officer or employee of the city to prepare any ordinance or resolution or fill out any claim, complaint, blank form or application or to type any letter, or answer or reply to any of them, against, or for presentation to the city or any agency thereof; or to prepare any notice, advertisement, deed or contract to which the city, or any agency thereof may be a party for the protection of anyone other than the city, its officers or employees, but all of such documents to which the city or any agency thereof may be or become a party shall be subject to the approval by the city's duly authorized agent in such case.

**Sec. 2-1007. - Right-of-way deed or easement; approval; waiver.**

- (a) No right-of-way deed or easement shall hereafter be accepted on behalf of the city by its city council unless nor until the same shall have been approved in writing by the head of the city agency involved and the city engineer, nor unless the form and legality is also approved in writing by the city attorney; provided, that such prior written approval of any or all of such persons may be waived, by resolution of the city council when the reasons of such persons for their failure to so approve such conveyance or easement are submitted in writing to the city council with such proposed conveyance or easement, and after consideration of such reasons the city council shall consider the same, and may waive the condition and accept the right-of-way deed or easement.
- (b) The city shall not hereafter accept any right-of-way conveyance or easement for the purpose of opening, widening, extending, straightening, curbing, grading, paving, constructing, improving or relocating any street, sidewalk, street curb, storm drain, water, or electric lines, or other public improvement, other than those acquired by the exercise of the power of eminent domain, without express formal approval thereof by the city council, unless the form of such conveyances or easements are of the uniform standards required by the city, including the rights of ingress to and egress from all parts of the rights-of-way, at all reasonable times for the purpose of inspecting and to clear and maintain the same, and to install, construct, repair and maintain therein, the public improvements for which the rights-of-way are obtained with easements for necessary fills, slopes, embankments, supports, walls, approaches, excavations, tree trimming, and all other rights, powers, and authority necessary or incident to a proper exercise of the rights expressly granted; and no exceptions or favors shall apply in any case which do not apply in all other similar cases unless it is expressly authorized by resolution of the city council.

**Sec. 2-1008. - Contracts to contain authorization source.**

All formal or written contracts of the city shall state when and how they were authorized, and if authorized by a resolution of the city council, the numbered paragraph of the city council minutes containing the resolution.

**Sec. 2-1009. - Performance of work, services, etc. by city on private property; deed, easement, covenant of indemnity required.**

It shall be unlawful for any officer, employee, agency or department of the city to perform any work, render any service or furnish any materials in the improvement of any private property before a formal recordable deed or easement, and release covenant of indemnity running with the land shall have been obtained therefor; whereby the city, its officers, agents, employees and contractors shall be granted the necessary right-of-

way, with rights of ingress and egress, and released from and indemnified against any and all liability for personal injury and property loss, damage, costs, and expenses or claims therefor for alleged willful or negligent acts or conduct of the city and its officers, employees, agents or contractors, or any of them in performance of such work, or in connection therewith, and even then no such materials, service or work shall be furnished in improvement of private property except to such extent as the city shall have contributed to the creation of conditions requiring it.

**Sec. 2-1010. - Submission, referral of applications to city, agency, department, officer, employee; action thereon.**

All applications to the city, or to any agency, department, officer or employee of the city for which applications no other ordinance shall have specifically been provided, shall be made in writing in duplicate, dated, consecutively numbered, and shall be signed by the applicant, and then considered approved, granted or denied within a reasonable time, or referred in writing to the appropriate city agency, committee, officer or employee for investigation, study, report and recommendation, and a copy thereof, together with a copy of the writing referring the same, shall be retained by the officer, agency or employee so referring.

**Sec. 2-1011. - Execution of written contracts.**

Every written contract to which the city is a party shall be executed on behalf of the city by the mayor thereof in the name of the city, or in event of his absence, disability, or disqualification by the mayor pro tem of the city and attested by the city clerk, or in event of his absence, disability or disqualification by the assistant clerk of the city, unless and except when the city council shall authorize and direct some other officer or agent to execute the written contract on behalf of the city.

**Sec. 2-1012. - Applications, claims, petitions, similar matters; writing required.**

No application, claim, complaint, demand, objection, offer, petition or report, nor any answer or reply thereto, will be entertained or considered by the city or any agency, department, officer, agent or employee thereof unless nor until the same is reduced to writing, dated and signed by the person or persons making such application, claim, complaint, demand, objection, offer, petition or report, or making the answer or reply thereto.

**Sec. 2-1013. - Same; indexing, filing, retention.**

Every application, claim, complaint, demand, objection, offer, petition, report, answer or reply made to or filed with the city or any agency or department thereof, shall be properly indexed, filed and safely kept, and a copy of every application, claim, complaint, demand, objection, offer, petition, report, answer or reply by the city or any agency or department thereof shall be likewise properly indexed, filed and retained by the officer or agent making the same.

**Sec. 2-1014. - Same; contents generally.**

Every application, claim, complaint, demand, objection, offer, petition, report, answer or reply shall consist of a plain, simple, clear and distinct statement of the facts stating the time, place and circumstances, and the nature of the facts set forth as the basis of the application, claim, complaint, demand, objection, offer, petition, report,

answer or reply with the names of the persons involved if possible, but if this be not possible then by a description or other identifying information.

**Sec. 2-1015. - Same; injury, damage, prejudice to be indicated.**

Every application, claim, complaint, demand, objection, offer, petition or report made to or filed with the city or any officer or agency thereof shall indicate how and wherein the persons filing the same have been or will be injured, damaged or prejudiced unless the relief sought by them is granted.

**Sec. 2-1016. - Same; scope of hearing restricted.**

In any hearing on any application, claim, complaint, demand, objection, offer, petition, report, answer or reply before the city council or before any officer, agency or authority of the city, the chairman or presiding officer in such hearing shall restrict and confine discussion to the issues defined by the writings, and unnecessary, irrelevant matters shall not be considered.

**Sec. 2-1017. - Official organ; designation.**

The official newspaper of the city shall be determined by resolution of the mayor and city council. It shall be a newspaper of general circulation within the city.

**Sec. 2-1018. - Same; advertisement of tax sales, etc.**

All sales under tax or other executions due the city, unless otherwise provided by law, shall be advertised in the official newspaper. All other advertisements for and in behalf of the city shall be advertised in the official newspaper unless required by law to be advertised in some other paper.

**Sec. 2-1019. - Franchises; grant, amendment, abandonment, discontinuance; notice, hearing requirements.**

No final action, except in case of necessity, shall be taken on any application for a franchise, or for an amendment of one already granted, if the applicant be a common carrier of passengers or goods, such as a railroad, express company, bus, truck, motor, taxicab or other line, person, firm or corporation, engaged in transportation of passengers or goods for hire; nor on any original application for a franchise, nor for an amendment of one already granted if the applicant be engaged in transportation or transmission of electricity, power, gas, telephonic or telegraphic service or petroleum products, without prior publication of notice by the city at the applicant's expense of the time and place when the action will be taken, which notice shall state that the application has been filed, and shall be published and directed to all persons at interest. It shall be published in each of the two (2) consecutive weeks in the official newspaper of the city; provided, an original franchise shall in no case be granted, unless nor until such notice shall have been so published; provided, further, that permanent abandonment, stoppage, discontinuance or removal of service now being rendered, shall in no case be approved or granted, unless nor until such notice shall have been so published, and parties at interest afforded an opportunity to be heard; provided, further, that any substantial change in location, route, size, type, color, height or appearance of any such facilities, including relocation from overhead to underground, and vice versa, shall be so material that final action shall not be taken on any application in relation thereto, unless nor until the notice has been so published and such hearing afforded, except in such case of necessity that time will not permit publication of the notice, in which latter case notice which circumstances of the case will reasonably permit shall be given by the city at the expense of the applicant, and such hearing afforded; provided, further, that the

City Council of South Fulton shall be the final judge of the necessity, or absence thereof, which will excuse publication of notice in any cases, except where the application is for an original franchise, or is for approval of abandonment or discontinuance of service under an existing franchise.

## **CHAPTER 2. - MAYOR AND COUNCIL**

### **Sec. 2-2001. - Time, place for meetings; Open Meetings.**

- (a) Unless otherwise noted by the Council, all meetings of the Council shall be held at 7:00 pm. In the event that there is no quorum present at the scheduled starting time for that meeting, the mayor shall wait 30 minutes to see whether a quorum will be present. If a quorum is not obtained after this waiting period, the mayor shall adjourn the meeting and readvertise it in accordance with state law. Meetings are held at 7:00 p.m. on the second and fourth Tuesday of each month unless special circumstances dictate a different meeting date, time, or place. In the event that special circumstances dictate a different meeting date, time, or place, the public shall be duly notified in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. The Council holds regularly scheduled work sessions commencing at 5:00 p.m. on the second and fourth Tuesdays of each month.
- (b) All meetings of the Council shall be held in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. The public shall be granted access to all meetings at all times except closed executive sessions. The law states that where a quorum of the governing authority or agency thereof are present, and where official action is to be discussed or taken, the meetings must be open and the public granted access.

### **Sec. 2-2002. - Presiding officer and rules for debate.**

- (a) *Generally.* In accordance with the City Charter, the Mayor shall preside over meetings of the Council, and he or she serves as the presiding officer. In order to ensure a fair, orderly, and efficient meeting, the mayor must enforce the rules of procedure adopted by the Council. In the absence of the mayor, the Mayor Pro Tempore shall preside. Where a quorum is present and neither the Mayor nor the Mayor Pro Tempore is present, the Council may designate an acting presiding officer. Meetings are conducted in accordance with these procedural rules, applicable state law, and Robert's Rules of Order, Newly Revised. Where a Councilmember raises a procedural question and these rules are silent, and in the absence of a specific statute, ordinance, or resolution, the question shall be resolved in accordance with the provisions of Robert's Rules of Order, Newly Revised, so long as the provision used to answer the question is not in violation of local, state or federal laws. The parliamentarian shall advise the Mayor on parliamentary inquiries for which such advice is sought.
- (b) *Debate.* All resolutions, contracts, and items of business which require Council approval prior to the expenditure of funds, as well as any other item which requires Council action, shall be acted upon by the Council only after a councilmember makes a motion and receives a second to the motion. A motion and proper second is recorded by the clerk. Each councilmember, by virtue of his/her election to the Council, has the right and obligation to debate any and all issues which come before the Council for consideration. However, to ensure an

orderly and efficient meeting, each councilmember shall observe the following rules in regards to debate:

- (1) The mayor, as presiding officer (or Mayor Pro Tempore in the mayor's absence), shall call for discussion on an item. No debate on an item should begin until the item has been sounded by the clerk to the Council (the clerk), or in the clerk's absence, the mayor's designee.
- (2) Once the item has been properly moved and seconded, the mayor shall call for discussion.
- (3) Thereafter, the mayor shall open debate by recognizing each councilmember who wishes to speak for a period not to exceed ten total minutes, with the additional stipulation that no councilmember shall hold the floor for more than five consecutive minutes of their allotted time. However, at the opening of each Council meeting, a councilmember may ask their colleagues to waive the normal time limits on issues they deem need more time. The Council will vote on each request before the agenda begins and decide among themselves what additional amount of time to allot to each councilmember. The clerk shall be the official timekeeper for the Council.
- (4) If a councilmember believes that debate on an issue is too lengthy or that a vote should be called for immediately on an issue, he or she can "call the question" or "move the previous question." This motion is out of order if it is made while another Councilmember has the floor or if the maker of the motion is not recognized by the mayor. This is a motion that is not debatable and requires a second. Once the motion has been properly made and seconded, the mayor shall immediately stop debate on the issue being debated and announce that there is a call the question motion on the floor. Immediately thereafter, the mayor shall call for a vote on the call the question motion, not on the main motion. If the call the question motion fails, debate on the issue may continue, and then the mayor may allow debate on the issue to resume. If it passes, the mayor must immediately call for a vote on the issue which was the subject of the call the question motion.
- (5) Any action by the Council, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously considered, i.e., motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table, or to take from the table, shall be subject to a motion to reconsider. After a motion to reconsider is made, a motion to rescind must also be made. After the motion to rescind is made, the matter would be appropriate for an additional passed motion and discussion thereon. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider may be made immediately after it fails to prevail but in no case can it be made any later than the next scheduled Council of councilmembers meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter shall be considered anew without regard to previous Council action. No reconsideration can be made on a zoning request at a subsequent meeting.
- (6) Any zoning matter which is deferred or on which discussion is otherwise postponed by the Council shall be heard at the next appropriate scheduled zoning meeting. Zoning matters are heard only on the first meeting of the month, in accordance with a schedule set by the director of developmental services. Ordinarily, no new zoning cases are heard in January.

- (c) *Quorum.* A quorum must be present for the transaction of business of the Council. In accordance with the Georgia law, four of the seven elected councilmembers must be present to constitute a quorum. It is the duty of the mayor to enforce this rule. Any councilmember may raise a point of order if that councilmember believes that a quorum is not present. If during the course of a meeting a quorum is lost, the Council cannot transact business. If, however, members of the Council are in the councilmembers' conference room adjacent to the assembly hall and are able to hear the business of the Council through the public address system, the Council has not lost a quorum. If a quorum is not attained within 30 minutes, the mayor must adjourn the meeting.
- (d) *Duties and privileges of the presiding officer.* The presiding officer shall preserve order and decorum, and shall immediately speak to points of order and shall decide all questions of order, subject to appeal. In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared or request that the sergeant at arms, (chief of police and or the designee) to remove those individuals ruled by the chair as being out of order. In the event the chair fails to rule individuals out of order that are causing a disturbance, any member of council may call for a point of order and present a motion to have the individual ruled out of order and to instruct the sergeant of arms to remove those individuals ruled as out of order. The motion to remove will require a two-thirds (2/3) vote. The presiding officer shall require the observation of rules of conduct to protect the rights of all council members and citizens.
- (e) *Order of business.* When a quorum is present the council shall proceed to the business before it, which shall be conducted, as much as practicable, in the following order:

Order of business:

- (1) Meeting called to order.
- (2) Quorum roll call.
- (3) Invocation.
- (4) Pledge to the Flag.
- (5) Presentation/announcements.
- (6) Committee reports.
- (7) Approval of the council agenda.
- (8) Approval of city council minutes.
- (9) Public hearings.
- (10) Public comments.
- (11) Consent agenda items. Any council member may move an item from the consent agenda to the council agenda.
- (12) Agenda items. Only a council member who places an item on the council agenda may remove the item.
- (13) Comments from council.
- (13) Recess to executive session.
- (14) Adjournment.

The chair, without debate, subject to appeal, shall decide all questions relating to the priority of business. The agenda for the meeting may be amended upon two-thirds (2/3) vote of the council.

- (f) *Voting.* The affirmative vote of at least four members shall be required for said Council to take official action. Each councilmember shall record his or her vote in the manner called for by the mayor.

- (g) *Agenda, preparation of; public comment.*

- (1) The Council holds regular meetings on the second and fourth Tuesdays of each month. Work sessions of the Council are held on the same days. Regular meetings commence at 7:00 pm, and work sessions commence at 5:00 pm. All times are eastern standard time. The agenda is prepared at the direction of the mayor and by the clerk's office in concert with the city manager's office. The deadline for submitting items for regularly scheduled Council meetings to the clerk's office for inclusion on the next agenda is 10:00 a.m. on Friday prior to the meeting. A final copy of the agenda is distributed to the councilmembers, city attorney, city manager and appropriate staff by 2:00 p.m. on the Friday preceding the scheduled meeting of the Council. Copies are also made available to the public at that time. A post agenda is provided after the meeting. The post agenda is a precursor to the final minutes and reflects actions taken by the Council at a particular meeting. Post agendas/preliminary minutes are distributed by the clerk's office within 48 hours of a meeting.

- (2) The agenda preparation procedure is as follows:

- i. Any councilmember wishing to place an item on the agenda may do so and should submit a memorandum to the clerk stating the item to be placed on the agenda. Any supporting documents germane to the item should also be submitted.
- ii. Adding of items to the agenda during the meeting is disfavored. Where there is a showing of an emergency or extraordinary circumstances exist, an item may be added to the agenda when it is adopted during the meeting by four affirmative votes. A motion shall be properly made and must carry to add each item to the agenda on the day of the meeting. That item shall appear on the post agenda under the "added during the meeting" heading.
- iii. Under the public comment section of the agenda, members of the public may be placed on the agenda to discuss a particular item of importance. To do so, the member of the public should first contact the office of the county manager who will ensure that the relevant department heads and other individuals have been contacted in an attempt to resolve the issue. In the event that the issue cannot be resolved by the county manager in consultation with the department heads, the citizen may then contact any councilmember so that councilmember may place that person on the agenda. The councilmember should then inform the clerk by memorandum stating the subject to be discussed, the person who will discuss it, a contact address, and a phone number for the person who will discuss the matter. Any supporting material germane to the item being discussed should also be submitted.

- iv. Whenever any agenda item, via resolution, seeks Council approval of a written agreement, a copy of the written agreement shall be attached to the agenda item or resolution and shall be distributed by the clerk as with other agenda items. Upon approval of the item, the clerk shall include a copy of the written agreement in the official minutes of the Council meeting at which such approval occurred.
- (h) *Consent agenda.* The Council uses a consent agenda which lists items of routine nature, such as renewal of grants, subdivision confirmations, refund reports, etc. Any items of business that are expected to receive unanimous approval and for which debate is not expected, should be placed on the consent agenda. Items may be removed from the consent agenda for further discussion, but may not be added. The consent agenda is adopted with one motion.
- (i) *Decorum.* All councilmembers are expected to conduct themselves in a courteous and respectful manner. Councilmembers seeking information from staff should do so within the confines of proper decorum. A councilmember shall not speak until recognized by the mayor and likewise shall not interrupt another councilmember's remarks. All comments made by a councilmember shall directly address the motion or item being discussed. The mayor shall enforce the rules of decorum and if a councilmember believes that a particular rule is being broken he/she shall raise a point of order when recognized by the mayor. A second on a point or order issue is not required, and the mayor may either rule on the question or allow the Council to decide the issue by majority vote. Any councilmember shall have the right to express dissent from or protest against any resolution or action of the Council and have the reason entered into the minutes.
- (j) *Public hearings and participation.*
- (1) In accordance with law and policy, the Council frequently conducts public hearings on a number of matters and issues. These public hearing rules are intended to ensure that the public has the opportunity to fairly participate in the meeting while promoting the orderly, efficient, and effective flow of the meeting.
  - (2) Rules for conducting public hearings and allowing for public comment are as follows:
    - i. Agenda.
      - a. Public comment shall be at or near the start of the Council meeting.
      - b. If a public hearing is required, or if it is requested by the Council, the mayor shall announce that the public hearing on a matter is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The mayor shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The mayor shall also inform the public that comments will only be received from the podium.
    - ii. Members of the public who wish to speak should complete a speaker's card and should hand it to a representative of the clerk's office. Members of the public are expected to adhere to the rules of decorum

outlined herein and should be informed of such at the beginning of the public hearing by the mayor. There should be no vocal, boisterous, or other disruptive demonstrations which will disrupt the orderly flow of the meeting. Any persons engaging in this type of behavior shall be ruled out of order by the mayor and shall, at the mayor's discretion, be removed from the assembly hall.

(3) Time.

- i. At all meetings other than those addressed in subparagraph B of this paragraph, the time for public comment shall be limited to thirty (30) minutes, and each speaker will have two (2) minutes to address the Council. Time provided to one speaker may not be transferred to another. The Council may allow for more time, either in total or per speaker, by a majority vote.
  - ii. At hearings on proposed rezonings, use permit, modification and/or concurrent variance petitions, as well as amendments to the text of the Fulton County Zoning Resolution (hereinafter "land-use petitions"), proponents and opponents are allowed ten minutes per side to present data, evidence and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. In the event a public hearing is conducted and final action on a land-use petition is deferred by the Council, a second public hearing (conducted under the same rules as set forth above) will be allowed when the petition is again considered by the Council following the deferral. No land-use petition shall be the subject of more than two public hearings before the Council, regardless of the number of times final action is deferred by the Council, unless four or more members of the Council vote to conduct such additional public hearing(s).
- (4) Once the public hearing has concluded, the mayor shall so announce, and the Council shall convene into open executive session to make its decisions.
- (5) As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, have been placed in the public hearing segment of the agenda or unless the Council, by four affirmative votes, has decided that public participation is necessary in its deliberative process. The Council shall follow its public hearing rules when such participation is warranted.
- (6) Persons claiming to represent a homeowners association must sign an affidavit stating that the homeowners association for which they claim to speak has authorized them to do so. The clerk shall maintain copies of such affidavits and bring them to the Council meetings.
- (k) *Amendments.* Any amendment to this division by a councilmember shall be submitted to the clerk in writing one week before the designated meeting. The proposed amendment shall be included on the agenda for that meeting and distributed to all councilmembers. All amendments require four affirmative votes by the Council for adoption.
- (l) *Special meetings and rescheduled regular meetings.* Whenever the mayor cancels, reschedules, or moves the regularly scheduled meeting, it must be done in accordance with O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act which requires that notice of the change is posted for at least 24 hours at the

place of the regular meeting. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having a general circulation at least equal to that of the legal organ and to each member of the Council. Other special meetings known as special call meetings may be scheduled by the mayor at the request of four councilmembers. Special call meetings are also governed by the notice requirements set forth above. When emergency circumstances occur, the Council may hold a meeting with less than 24 hours' notice. When such meetings are held, the clerk shall provide notice to the legal organ of the county, or a newspaper with at least the general circulation of the legal organ, and to each member of the Council as soon as practical. The notice shall include those subjects expected to be discussed at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice.

- (m) *Executive sessions.* Executive sessions of the Council may be held for the purpose of conducting business excepted by O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Where a meeting is devoted in part to matters within the authorized exceptions to the Georgia Open Meetings Act, any portion of the meeting not subject to any such exception shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the Council taken in a public meeting. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session, and the reasons for the session. Only necessary staff shall be present at the executive session
- (n) *Suspending the rules of order.* Rules of order may be suspended where a motion to suspend is properly moved and seconded. The term "rules of order" in this context means suspending the order of business, moving an item up or down on the agenda, or removing an item from the agenda. Four affirmative votes shall be required to suspend the rules of order. Rules governing a quorum, voting methods and requirements, the notification to councilmembers of meetings, and rules necessary for compliance with state and/or federal law may not be suspended.
- (o) *Parliamentarian.* The Council shall designate a person as its parliamentarian. The parliamentarian shall serve as the parliamentarian for the Council, and in that capacity will answer point of order questions when directed by the mayor.
- (p) *Establishment and appointment of committees, commissions, city authorities, boards, and taskforces.*
  - (1) The creation of any committee composed exclusively of councilmembers, commission, or any city authority, or board by the mayor or council shall require approval by a majority vote of the council, except those exempted by state law.
  - (2) Appointment of members to such committees composed exclusively of councilmembers, commissions, city authorities, or boards will be made by the mayor and confirmed by majority vote of the council, except those exempted by state law, or unless the creating ordinance specifies another method of appointment. All appointments to standing committees, commissions, city authorities, or boards shall be made and approved within thirty (30) days of a vacancy.

- (3) The mayor or council may create task forces to analyze and recommend solutions to specific issues, opportunities, or problems. Task forces may be created by resolution or by ordinance, and the number of members, qualifications, and term shall be provided in the resolution or ordinance. The method of appointment shall be as described in paragraphs (ii) of this rule, above. Task forces shall have no quasi-judicial or quasi-legislative functions, and shall not be delegated the power of subpoena.
- (q) *Attorney-Client Privilege.* Should attorney-client privileged material be disclosed to the city council in a closed meeting with the city attorney or other counsel engaged to represent the city, or in written legal opinions drafted by the city attorney or outside counsel, the privilege shall belong to the City of South Fulton. Therefore, the decision to waive that attorney-client privilege by disclosing either orally or in writing the contents of the attorney-client privileged material may only be made by majority vote of the council and not by an individual member of the city council.
- (r) *Request for legal opinion.* Requests by one (1) or more council members for a formal written legal opinion shall require approval by a majority vote of the full council.
- (s) *Hiring of department heads.* At least ten (10) business days prior to the council vote to fill a vacant department head position, the city manager shall provide the mayor and council with the resumes of the top three (3) candidates.
- (t) *Representation of private interests.* In keeping with their role as stewards of the public interest, councilmembers shall not appear on behalf of the private interests of third parties before the council or any board or commission, or proceeding of the city, nor shall members of boards and commissions appear before their own bodies or before the council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- (u) *Advocacy.* Councilmembers shall represent the official policies or positions of the city council, board and commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, whether publicly or privately, councilmembers shall explicitly state they do not represent the governing body or the city, nor will they allow the inference that they do.
- (v) *Independence of boards and commissions.* Because of the value of the independent advice of boards and commissions to the public decision-making process, members of council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
- (w) *Positive work place environment.* Councilmembers shall support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. Councilmembers shall recognize their role in interactions with city employees as delineated in charter section 2-401 and refrain from creating the inference of inappropriate direction to staff.
- (x) *Implementation of the Code of Ethics.* As an expression of the standards of conduct for members expected by the city the code of ethics, as codified in sections 2-4001 through 2-4030, is intended to be self-enforcing. In order to be effective, council members must be thoroughly familiar with it and embrace its

provisions. For this reason, ethical standards shall be included in the regular orientations for city councilmembers, appointees to boards and commissions, and newly appointed officials. Councilmembers entering office shall sign a statement affirming they have read and understood the city code of ethics.

**Sec. 2-2003. – Reserved.**

**Sec. 2-2004. - Reserved.**

**Sec. 2-2004.5. - Reserved.**

**Sec. 2-2005. - Budget policies.**

The following budget policies are adopted and are included in each annual budget of the city:

- (1) The finance director shall review and approve by signature all agenda items requiring expenditure or encumbrance of city funds presented to council, representing that the agenda item presents the appropriate corresponding budget allocation, and that funds are available within such budget line item.
- (2) No unbudgeted agenda item will be presented to the city council for consideration without a corresponding budget amendment ordinance duly prepared and presented for adoption in accordance with Article V of the City Charter.
- (3) The city manager will advise council of intra-department budget transfers from compensation budget line items.
- (4) All non-compensation expenses attributable to individual council members will be charged to such member's budget lines.
- (5) All council travel and training expenditure items in excess of twenty-five dollars (\$25.00) shall require a written receipt for reimbursement.
- (6) The city council member per diem for travel shall be equal to or less than the established employee per diem amount.

**Sec. 2-2006. – Reserved.**

**Sec. 2-2007. - Removal of elected officials.**

An action to remove the mayor or a councilmember arising from misconduct, malfeasance, nonfeasance, malpractice, or willful neglect of duty of the official while in office pursuant to Charter section 2-107, as it shall be amended from time to time, shall be accomplished by one (1) of the following methods:

- (a) As provided by O.C.G.A. §45-5-6.1, as it shall be amended from time to time.
- (b) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the city.

**Sec. 2-2008. – Reserved.**

**Sec. 2-2009. - Reserved.**

**Sec. 2-2010. - Compensation and expenses for the mayor and councilmembers.**

- (a) Effective May 1, 2017, the mayor shall receive an annual salary of fourteen thousand two hundred dollars (\$23,000.00). Said salary shall be paid in a manner established by the City Council.
- (b) Effective May 1, 2017, each other member of council shall receive an annual salary of eleven thousand dollars (\$13,000.00). Said salary shall be paid in a manner established by the City Council.
- (c) Allowable expenditures for the purpose of communication with constituents shall be capped at an amount set by the City Council, and shall only be permitted for:
  - (1) Printed and robotic communicating with residents.
    - a. No greeting cards sent by mail or email.
    - b. No postcards except to inform residents of an upcoming meeting where information concerning a current/future council agenda item(s) will be discussed.
- (d) All reimbursements shall contain the original itemized receipt/vendor bill.
- (e) A copy of all printed materials shall be turned in with the copy of the receipt/vendor bill within five business days of the initial distribution date. This also applies to contracted email materials.

## **CHAPTER 3. - ELECTIONS**

### **Sec. 2-3001. - Election defined.**

For the purpose of this chapter, an election is defined to mean any state, county, city or federal election, whether such election be a general, primary, special or referendum on any subject submitted to the citizens for vote.

### **Sec. 2-3002. - Elections for office of mayor or councilperson; requirement—Official ballot; duty of city clerk.**

- (a) All persons who desire to seek election to the office of mayor or councilperson of the city shall file notice of candidacy as provided in O.C.G.A. § 21-2-132, as amended; the notice shall be in the form of a written statement of intention and shall be filed with the city election superintendent; the statement shall state the full and complete name of the candidate and the street number address of his or her residence in the city; provided the person may choose to campaign under a name other than his or her full and complete name, but which campaign name shall contain a combination of the names and/or initials of his or her given name, and may use or designate any nickname by which the person is commonly known; the statement of intention shall also request the election superintendent to have their respective names as candidates for the offices they respectively seek to fill to be printed upon the official election ballot to be used in the general city elections for mayor or councilperson, and any run-off election if same be applicable. All such persons shall accompany his or her notice of candidacy with an affidavit in the general format as promulgated by the election superintendent and in compliance with O.C.G.A. § 21-2-132(e), as amended. Any person desiring to qualify for election to the office of city councilperson shall, in the notice of candidacy and the accompanying affidavit, shall state the post number and ward.

- (b) The mayor and council, shall, by resolution; set the actual opening and closing qualifying dates pursuant to this section.
- (c) The city clerk shall be and is hereby designated as the municipal election superintendent.

**Sec. 2-3003. - Same—Qualification fee.**

- (a) Any person desiring to qualify for election to the office of mayor of the city shall first pay a qualification fee to the election superintendent in an amount equal to three (3) percent of the annual salary for that position.
- (b) Any person desiring to qualify for election to the office of city councilperson shall first pay a qualification fee to the election superintendent in an amount equal to three (3) percent of the annual salary for said position.

**Sec. 2-3004. - Special elections—Registration list.**

- (a) Special elections, other than elections to fill a vacancy, shall be governed, as to registrations for same, by the particular charter provisions or ordinance under which the election is called.
- (b) When special elections shall be called for the purpose of filling any vacancy on the city council or in the office of the mayor, the city clerk shall obtain from Fulton County an up-to-date registration list.

**Sec. 2-3005. - Solicitation, etc.—Within two hundred feet of polling place.**

It shall be unlawful for any person, verbally, by written or printed means or by cards, literature or other advertisement, to solicit any person or attempt in any manner to influence the vote of any person within a distance of two hundred (200) feet of a polling place when an election is being held within the city.

**Sec. 2-3006. - Same—By election officials.**

It shall be unlawful for any manager or clerk of any primary or general election in the city to solicit, counsel or advise any person to vote for any particular candidate. This section shall not be construed to make it unlawful for an election manager publicly to explain any other question a voter may ask in order to enable the voter to mark his ballot intelligently.

**Sec. 2-3007. - Voting precincts.**

Voting precincts shall be established, with a minimum of one (1) such precinct in each ward, by the city elections superintendent in conjunction with the county elections superintendent so as to facilitate voting by the citizens of the city. Said ward locations shall be established at least thirty (30) days in advance of any election hereafter held by the city.

**Sec. 2-3008. - Persons taking oath to be registered.**

The city registrar shall receive registrations of all persons who take the prescribed oath of a voter.

**Sec. 2-3009. - Forms of oath.**

The oath to be required of all persons registering their names for elections shall be on forms furnished by Fulton County.

### **Sec. 2-3010. - Registration office hours designated.**

The registration office of the city shall be opened to registration at all times during normal business hours of the city.

### **Sec. 2-3011. - Registrar designated; duty to register qualified voters.**

The city clerk or his authorized representative shall act as chief registrar for the city, and it shall be the duty of the clerk or his authorized representative to register the qualified voters of the city.

### **Sec. 2-3012. - Procedure when voter moves from one ward to another.**

Whenever a registered voter shall move from one ward of the city to another ward, he shall request the city clerk in writing to change his address and registration to the ward of his new residence; every qualified and registered voter shall be entitled to vote in one of the wards and shall not be refused the right to vote for failure to change or cause to be changed the address of his residence.

### **Sec. 2-3013. - Reinstatement of persons erroneously removed from registration list.**

When it shall be made to appear sufficient to the city registrar that the name of any voter has been erroneously removed from the city registration list, or through error has been omitted therefrom, where the voter in no wise contributes to the error but same is an error solely of the registrar or of the county registrar, the city registrar shall be and is hereby authorized to reinstate such name and the person shall be eligible to vote in any election wherein he would have been eligible had it not been for such error.

### **Secs. 2-3014, 2-3015. - Reserved.**

### **Sec. 2-3016. - Disposition of unused ballots.**

Ballots not used in an election shall be returned to the city clerk by the election managers when the election polls close on the date of the election for which the ballots were prepared.

### **Sec. 2-3017. - Same—Form for special elections.**

The form of ballot to be used in special elections shall be the same as in general elections, except it shall state that it is a special election instead of a general election; and except that when the special election is for the purpose of submitting to the qualified voters some question other than the election of candidates for office, the ballot shall so state, and appropriate directions shall be printed thereon to enable voter to intelligently mark his ballot.

## **CHAPTER 4. - ETHICS POLICY**

### **Sec. 2-4001. - Declaration of policy.**

- (a) Our government is a representative democracy. Those who are elected, appointed, hired, volunteer, or campaign to serve the public as representatives accept a public trust, which they share with those whom they elect, appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest. Public trust also requires that

government be conducted in an open manner, when appropriate, so that the official actions of public servants may be subject to public scrutiny and so that members of the public have access to information upon which decisions and policies affecting them are made; but public trust also requires that government be conducted in a manner which respects the rights of its constituents to privacy and confidentiality. Public trust also requires that acts which are contrary to the public interest be defined and prohibited; that there be an orderly procedure for raising and addressing ethical questions; that ethical behavior be encouraged and suitably rewarded; and that unethical behavior be discouraged and suitably disciplined through a process which is fundamentally fair.

- (b) It is the responsibility of each public servant to act in a manner which contributes to cultivating public trust in the integrity of government. Public trust in the integrity of government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity. Therefore, dedicated public servants not only act with integrity, but also choose to avoid even lawful activity when the appearance of impropriety would lessen the public's confidence in the integrity of its servants and its system. As a result, sometimes public servants sacrifice opportunities which would be open to them if they were not public servants.
- (c) Most public servants strive to live by these standards most of the time, but because sometimes some do not, some formal policies are necessary. In adopting these formal policies, this community recognizes that:
  - (1) Public servants are also members of society and, therefore, share the same general personal and economic interests in the decisions and policies of government as all members of the community do; and
  - (2) Public servants retain their rights to publicly express their views on matters of general public interest, and to express their opinions on the effect of public actions on their personal or economic interests or rights; and
  - (3) It is sound public policy for standards of ethical conduct for public servants to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are personal, material and avoidable; and
  - (4) Public servants are entitled to engage in employment, professional or business activities, other than official duties, in order to support themselves and their families and to maintain a continuity of professional or business activity, and are entitled to maintain investments; and
  - (5) In this community it is possible and reasonable to require public servants to engage in employment, professional or business activities and to maintain investments which do not impede or undermine the integrity of their service to the community.
- (d) Although this chapter is necessary to identify minimum standards below which a public servant's conduct cannot fall without the risk of penalty, it is understood that a healthy ethical environment for the provision of public service cannot be achieved or maintained by mere adherence to minimum standards. Therefore, this chapter also requires that the community provide additional, positive means of encouraging ethical behavior among its public servants. It is also understood that no external activity can replace the internal commitment which motivates those who act ethically. The principal policy which forms the foundation of this chapter is to

encourage internal commitment by establishing and maintaining a work environment which supports integrity with pride and enthusiasm.

- (e) A work environment which supports integrity includes public servants who:
- (1) Recognize with gratitude that the primary reason they hold a public position is to serve the public; and
  - (2) Recognize with pride that they hold their public position because the public trusts them; and
  - (3) Recognize with sadness that the public's trust in government and in them is diminished when any public servant acts unethically; and
  - (4) Recognize with hope that their public service is an opportunity to help restore public trust in their government; and
  - (5) Are fair and impartial, but also courteous and enthusiastic in serving the public and each other in the performance of their duties; and
  - (6) Are adequately educated in the principles of ethics; and
  - (7) Are motivated to pursue ethical ideals which always exceed minimum standards and often achieve the highest standards; and
  - (8) Exemplify ethical conduct; and
  - (9) Encourage ethical practices which protect, advance and promote the public interest; and
  - (10) In speaking about the conduct of those in public service, or in responding to others who speak about it, express approval of positive ethical principles and behavior, and refrain from unjustly disparaging or demeaning those who advocate ethical principles or practice ethical behavior; and
  - (11) Recognize that the most effective way to eradicate unethical practices is to consistently act ethically themselves, and to consistently react appropriately with respect to the ethical decisions of those with whom they work; and
  - (12) Exercise sound and independent judgment to act ethically in situations where others around them may be inclined to act unethically; and
  - (13) When they observe serious unethical practices, promptly disclose them to appropriate authorities, and encourage others to do the same; and
  - (14) Make and implement decisions and policies through proper channels of the governmental organization; and
  - (15) Insure that those for whose performance they are responsible are aware of minimum standards of ethics below which their conduct cannot fall without the risk of disciplinary consequences; and
  - (16) When unethical behavior has been determined by the board, they will make the appropriate recommendation to the appropriate legal authority and the mayor and council.

## **Sec. 2-4002. - Purposes of chapter.**

This chapter is adopted:

- (a) To state principles of ethics which are to be applied in public service; and
- (b) To identify minimum standards of ethical conduct for public servants; and

- (c) To require that public servants engage in ethical practices which always meet minimum standards; and
- (d) To encourage public servants to pursue the highest ethical ideals which they can achieve; and
- (e) To provide reasonable due process for public servants who are alleged to have violated this chapter; and
- (f) To provide an objective and fair process to identify and resolve ethical issues; and
- (g) To inform public servants and the public of the minimum standards to which public servants must adhere; and
- (h) To promote public confidence in the integrity of public servants; and
- (i) To encourage members of the public to seek public office or employment, to serve on public boards, to assist public servants as volunteers, and to take pride in participating in the governmental process; and
- (j) To establish penalties, as appropriate, for public servants who violate the public trust; and
- (k) To provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this chapter.

### **Sec. 2-4003. - Definitions.**

For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings unless the context suggests otherwise. When a right or duty pertains to the holder of a specific position, such as the mayor, city manager or city clerk, the same right or duty pertains to any designee to whom the holder of the position may lawfully delegate the right or duty.

*Appointing authority* means the city manager, mayor, governing body, or any other person who appoints a person to a public position under the authority of the code, charter, state, or federal law.

*Associated*, when used with reference to a business or an organization, includes any business or organization in which a public servant, a public servant's domestic partner, spouse, family member or a public servant's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five (5) percent of the outstanding equity, or any business or organization in which a public servant or a partner in interest has a personal interest.

*Benefit* means:

- (1) Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a public servant in the performance or non-performance of an official action; or
- (2) Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the public servant to whom the

thing is or may be offered, would recognize as being likely to be intended to influence the public servant in the performance or non-performance of an official action; and

- (3) The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future.

*Board*, when used with the article "the," as in any reference to "the board," means the board of ethics established under section 2-508 of the Charter to operate under the provisions of this chapter, unless the context clearly indicates otherwise; used generically, "board" may mean any voting body:

- (1) Which is established to participate as a body in some manner in the conduct of the city government, including participation, which is merely advisory, whether established by state law, city charter, ordinance, contract, executive action or any other lawful means; and
- (2) Any part of whose membership is appointed by the mayor or governing body acting on behalf of the city; but the term "board" does not include a board, commission or committee which is the governing body of a separate political subdivision of the state, or whose membership, after appointment, is not subject to any regulation by the governing body; nor does it include any city administrative agency, bureau, department, division or office which is administered by individuals rather than by a body.

*Business* means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or non-profit, excluding a municipal corporation or governmental entity.

*Business day* means Monday through Friday from 8:00 a.m. to 5:00 p.m. excluding holidays recognized by the closure of routine city government operations.

*Business with which a public servant is associated* means a business in which any of the following applies:

- (1) The public servant is an owner, partner, director, officer, employee or independent contractor in relation to the business; or
- (2) A public servant's partner in interest, spouse, family member or domestic partner is an owner, partner, director or officer; or
- (3) The public servant or a partner in interest is a stockholder of close corporation stock which is worth at least one thousand dollars (\$1,000.00) at fair market value or which represents more than five (5) percent equity interest; or
- (4) Any business, regardless of ownership or value, by whom or for whose benefit a decision maker is influenced to act in the hope or expectation of obtaining a personal benefit for the public servant or for a partner in interest of the public servant.

*Candidate* means an individual who is a candidate for an elective city office, as defined in federal and or state statutes, city charter or ordinance provision, or an applicant for city employment or for an appointive city position.

*Censure* means a motion adopted in a regularly scheduled public meeting officially expressing blame and/or disapproval for the particular conduct of the public servant to be disciplined. A censure need not be in writing nor recorded with the city clerk but shall be reflected in the minutes of the meeting at which it was adopted.

*Chapter* means 'Chapter 4' of the Code of Ordinances. *Chapter* is synonymous with charter for the purposes of this chapter and specifically in the phrase 'violations of this chapter'.

*Child* means a son or daughter, whether or not the son or daughter is the biological offspring of the legal parent or parents, and whether or not the son or daughter is financially dependent on the parent or parents.

*Confidential information* means information which has been obtained in the course of holding public office, employment, as an independent contractor, or otherwise acting as a public servant, and which information is not available to members of the public under the Georgia Open Records Act, O.C.G.A §50-18-70, et seq., as it may be amended from time to time, or other law or regulation and which the public servant is not authorized to disclose, including:

- (1) Any written information that could lawfully be excepted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy or procedure; and
- (2) Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure;
- (3) Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy, or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels; and
- (4) Information protected under the attorney-client privilege or the attorney work product doctrine, unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy, or procedure.

*Compensation* means any benefit conferred upon or received by any person in return for services rendered or to be rendered.

*Conflict of interest* means not only a personal interest, as defined in this chapter, but also a professional or non-pecuniary interest, such as arises when the city attorney is precluded from representing one (1) public servant because of the city attorney's preexisting attorney-client relationship with another public servant.

*Controlled or illegal substance* means any drug or other substance, the use of which is regulated by federal or state law, except that within the meaning of this chapter the term does not include any drug or substance which has been lawfully prescribed by a licensed medical professional for the use of a public servant as a patient, and which is used by the public servant in accordance with the prescription.

*Decision maker* means any public servant or group of public servants empowered to act in a discretionary manner on behalf of the city in any capacity whatsoever, including the making of recommendations. Decision maker includes, but is not limited to, any city agency, bureau, department, division, office, administrator or person who is charged with implementing and administering particular legislation or executive or administrative decisions, and, to the extent this chapter is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a public servant in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent each and every public servant who could take any discretionary action regarding a matter in which a public servant or a partner in interest has or may have a conflict of interest, or as a result of which a public servant might receive a personal benefit.

*Decision making* means the exercise of any discretionary public power in any capacity whatsoever, including the making of recommendations, by any public servant whose action pertains to a matter in which a public servant or a public servant's partner in interest has or may have a conflict of interest, or as a result of which a public servant might receive a personal benefit.

*Disclose* means, unless the context of this chapter indicates otherwise, to file, with the board, a document, in a form required or authorized under this chapter, signed and sworn to by the public servant who is required to file the document, which informs the public in accordance with the requirements of this chapter of a conflict of interest or a potential conflict of interest, and any other information pertinent to the purpose of filing the document, including the name and address of any person alleged to have a conflict of interest or a potential conflict of interest; or, when this chapter permits, the filing of an accurate copy of the official minutes of a governing body or board which informs the public of the required information. Unless this chapter or a law which supersedes it requires or permits another procedure, information shall be deemed disclosed if any public servant within a reasonable time before any official action is to be taken by the decision maker, files an affidavit with the board disclosing the nature and extent of the public servant's conflict of interest, and identifying the decision maker(s) who may act on the matter. For purposes of this provision, "within a reasonable time" means within adequate time to allow the board, or the decision maker(s), to review the disclosure before taking any official action.

*Domestic partner* means any two (2) adults who meet the following criteria:

- (1) Responsible for each other's welfare;
- (2) Neither person is registered in a union or domestic partnership with another party;
  - i. Not related as defined by state law;
  - ii. Share a primary residence; and
  - iii. Have declared their intent for a permanent partnership.

*Employee* means a person, other than an elected public servant, employed and paid a salary to work for the city, whether under civil service or not, whether full-time, part-time, or on a contract basis, and including those officially selected but not yet serving; including independent contractors, subcontractors, and consultants and, for purposes of establishing ethical obligations under this chapter and for no other purpose, employee includes volunteers notwithstanding the fact that they are unpaid. An employee is a public servant within the definition of this chapter, although not subject to the jurisdiction of the ethics board.

*Ethics panel* means an ad hoc, three (3) member panel of the board, assembled to hear and decide an ethics complaint in accordance with this chapter. Each ethics panel shall also have the advice of an attorney assigned for each hearing. Such attorney(s) shall be identified for the board by the city attorney.

*Gift* means any benefit or thing or act of value conveyed to or performed for the benefit of a public servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is at least equal in value to the thing or act conferred or performed.

*Governing body* means the elected officials who comprise the legislative body of the city.

*Hearing* means the convening of a three (3) member panel of the board, plus a selected attorney, convened to hear and determine a specific ethics complaint as provided by this chapter.

*Immediate family* means:

- (1) A public servant's spouse and or domestic partner; and
- (2) A public servant's relative by marriage, lineal descent or adoption; and
- (3) A public servant's parents, parents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, stepparents, stepbrothers or stepsisters; and
- (4) An individual claimed by the public servant or the public servant's spouse as a dependent under the United States Internal Revenue Code.

*Interest* means any personal benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the city.

*Investigation* means a formal action as directed through a majority vote of the panel present of the ethics board to conduct an investigation into a specific ethics complaint.

*Loan* means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

*Matter* means, unless the context of this chapter indicates otherwise, any act, action, agenda item, allegation, application, amendment, auction, bill, business, case, charge, claim, consideration, contract, controversy, decree, deed, deliberation, discussion, hearing, issue, lease, license, measure, offer, order, ordinance, permit, personnel action, petition, policy, presentation, procedure, privilege, proceeding, project, proposal, proposition, purchase, recommendation, regulation, rental, request, resolution, sale, subject, transaction, use, variance, or other discretionary choice pending before a city decision maker when a public servant or a partner in interest has a personal interest in the outcome of the decision, or the decision may result in a personal benefit to a public servant, family member, domestic partner or a partner in interest.

*Ministerial action* means an action that a public servant performs in a given set of circumstances in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the public servant's own judgment as to the propriety of the action being taken.

*Negotiating concerning prospective employment* means one (1) or more discussions between a public servant and a potential employer other than the city concerning the possibility of the public servant or a partner in interest considering or accepting employment with the employer, in which discussion(s) the public servant responds in a positive way.

*Office* means any of the following:

- (1) An elected position within the government of the city; or
- (2) A city attorney; or
- (3) A city clerk; or
- (4) A city manager; or
- (5) Any other appointed city position in which a public servant serves, except a position limited to the exercise of ministerial functions or a position filled by an independent contractor; or
- (6) An appointed city position which is filled by the governing body or the executive or administrative head of the city, and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial functions or a position filled by an independent contractor.

*Officer* means any person elected or appointed to hold a city office.

*Official action* means any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote, or other direct result of a public servant's exercise of discretionary authority in connection with the public servant's public position.

*Official duty* means any official action or ministerial action which a public servant is obligated or authorized to perform by virtue of being a public servant.

*Official records* means any minutes, papers, documents, completed forms, or other records maintained by a public agent for the purpose of fulfilling the disclosure requirements of this chapter.

*Organization* means, unless the context indicates otherwise, any non-profit business other than an individual or governmental agency.

*Partner in interest* means, when used in this chapter in connection with a public servant, as in the phrase "a public servant or a partner in interest" any and all of the following:

- (1) A member of the public servant's immediate family; or
- (2) A business with which the public servant or a member of the public servant's immediate family is associated; or
- (3) Any other person with whom the public servant or a member of his immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the city. The term partner in interest does not imply or require any form of legal partnership or formal agreement.

- (4) When used in the phrase "a public servant or a partner in interest," the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.

*Personal benefit* means any benefit which is offered or received, or perceived to be offered or received, primarily for the purpose of influencing the manner in which a public servant performs or refrains from performing an official action, so that an attempt is made to induce the public servant, or the public servant is induced, to act in favor of some interest other than the public interest on the basis of an expectation or hope that the public servant or a partner in interest of the public servant will obtain some private gain by acting against the public interest; provided, however, that the term "personal benefit" within the meaning of this chapter does not include any of the following, which, although they may benefit individual public servants, are deemed to be primarily public benefits rather than personal benefits:

- (1) Payment by the city of salaries, compensation or employee benefits; or payment by an employer or business other than the city of salaries, compensation, employee benefits or pursuant to a contract, when the payment is unrelated to a public servant's status as a public servant and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of a public servant; or
- (2) Fees, expenses, or income, including those resulting from outside employment, which are permitted and reported in accordance with the policies of the city; or
- (3) Authorized reimbursement of actual and necessary expenses; or
- (4) Admission, regardless of value, to events to which public servants are invited in their official, representative capacity as public servants; or
- (5) Campaign or political contributions which are made and reported in accordance with state law; or
- (6) Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity; this provision applies only if the city does not also pay the person for the same activity; or
- (7) Reasonable gratuities given by a group in appreciation for a public servant speaking or making any presentation before that group, provided that the value of any such gratuity shall not exceed fifty dollars (\$50.00); or
- (8) Awards publicly presented in recognition of public service, acts of heroism or for solving crimes; or
- (9) Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or
- (10) Anything of value, regardless of the value, when the thing of value is offered to the city, is accepted on behalf of the city, and is to remain the property of the city; or
- (11) Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not

discriminate against or in favor of an individual who is a public servant because of such individual's status as a public servant; or

- (12) Complimentary copies of trade publications; or
- (13) Any unsolicited benefit conferred by any one (1) person or business if the economic value totals less than three hundred dollars (\$300.00) per calendar year, and if there is no express or implied understanding or agreement that a vote, official action or decision of a public servant will be influenced; or
- (14) Reasonable compensation for a published work which did not involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment is arranged or paid by the publisher of the work; or
- (15) Reasonable compensation for a published work which did involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment of the compensation to the public servant is lawfully authorized by a representative of the city who is empowered to authorize such compensation; or
- (16) Anything of value, if the payment, gift, or other transfer of value is unrelated to and does not arise from the recipient's holding or having held a public position, and if the activity or occasion for which it is given does not involve the use of the city's time, equipment, facilities, supplies, staff or other resources in any manner or degree which is not available to the general public; or
- (17) Anything of value received as a devise, bequest or inheritance; or
- (18) A gift received from a relative within the third degree of consanguinity, under the civil law computation method, to the public servant, or the spouse of such a relative; or
- (19) A gift received from a spouse of a public servant, or a spouse's relative within the third degree of consanguinity to the spouse, under the civil law computation method.

*Personal interest* means a direct or indirect interest having value peculiar to a particular individual or group, whether the value is pecuniary or non-pecuniary, which value may accrue to such individual or group or result in such individual or group deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other official action, or the performance or nonperformance thereof, by a public servant, and which interest is not shared by the general public; it is to be stressed that the phrase "personal interest of a public servant" includes not only the personal interest of the individual public servant, but also the interest of any partner in interest.

*Public reprimand* means a form of public discipline which shall be a written resolution based upon the findings of the ethics panel and the governing body that a violation of this chapter or Charter has occurred, to be read publicly at the earliest possible regularly scheduled meeting of the governing body by the mayor, mayor pro-tem, or designated councilmember. Said public reprimand shall be recorded with the city clerk.

*Public servant* for purposes of the ethics board, means any member of the governing body or of any city agency, board, commission, committee, task force, or other deliberative, policymaking, or voting body, and any city clerk, municipal court judge, city manager, city attorney or other person, whether elected or appointed, or legally authorized by contract or in any other manner to act in any capacity under the

authority of the city and who is not subject to civil service. Public servant is synonymous with city official for purposes of this chapter.

*Relative* means a person who is related to an official or employee as spouse or domestic partner or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

*Statement* when used in reference to the financial disclosure requirements established by this chapter means the prescribed form(s) for fulfilling the financial disclosure requirements.

*Volunteer* means an individual who is permitted by the city, or by a person authorized to act on behalf of the city, to assist public servants in performing any kind of official duty or action, including actions which are clerical, menial or merely advisory, without any expectation of receiving compensation.

*Voting body* means the governing body and any other city authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative, or quasi-judicial or any combination thereof, which, in order to take any official action, even if the action is merely advisory, must act as a body on the basis of a vote of some or all of its members.

#### **Sec. 2-4004. - Exemptions.**

- (a) This chapter does not prevent any public servant from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her public duties, provided that the public servant complies with all applicable city requirements, including any requirements imposed by this chapter.
- (b) No public servant shall be deemed to have a conflict of interest by virtue of carrying out any contract pursuant to which the public servant directly or indirectly received income or benefits in the form of compensation for the performance of official duties.
- (c) No public servant shall be deemed to have a conflict of interest by virtue of sharing, directly or indirectly, in the benefit of a lawful city action when the benefit to the public servant is substantially the same as the benefit to the public at large or to a segment of the public to whom the benefit is provided in a nondiscriminatory manner.
- (d) This chapter does not prohibit any public servant from taking any action to approve the lawful payment of salaries, employee benefits, reimbursements of actual and necessary expenses, or other lawful payments which are authorized in accordance with city policies.
- (e) This chapter does not prohibit public servants from taking any official action properly within the scope of their duties with respect to any proposal to enact or modify law or public policy.
- (f) This chapter does not prohibit an elected official from raising campaign contributions in any manner which is otherwise permitted by law.
- (g) This chapter does not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record or plans for future action regarding an issue or measure in an attempt to determine a

candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under a state statute.

- (h) Actions which might otherwise be alleged to constitute a conflict of interest shall not constitute a violation of this chapter if:
  - (1) Before acting, the public servant requested and received a written opinion from the city attorney or a formal ethics opinion or a confidential advisory opinion from the board or a panel, in accordance with the procedures established in this chapter; and
  - (2) The material facts, as stated in the request for an opinion, are true and complete; and
  - (3) The actions taken were consistent with the opinion.

**Sec. 2-4005. - Who is covered.**

This chapter applies to all public servants, as the term is defined in this chapter, except that it shall not apply to a municipal judge while acting in a judicial capacity.

**Sec. 2-4006. - Duties.**

- (a) No public servant or former public servant shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governing body, administrators, or other applicable law for its release to the public. This includes information acquired that is subject to the attorney-client privilege or the attorney work product doctrine.
- (b) All public servants shall respond fully and truthfully to any inquiries by the board in connection with the investigation of an alleged or potential violation of this chapter or the Charter. All public servants shall cooperate fully in any investigation by the board, and shall locate, compile and produce for them such information as they may request, unless the information requested is exempt from disclosure under other applicable law.
- (c) All public servants have an affirmative duty to report any ethical violations of this chapter or the Charter of which they have knowledge. Any person may report a violation of this chapter by filing an ethics complaint against any person other than a paid employee on the proscribed form with the city clerk, who shall convene an ethics panel for processing of such report.
- (d) *Duty to comply with the law.* All public servants shall comply with the Constitution and laws of the United States, the Constitution and laws of the State of Georgia, and the Charter and ordinances of the city in the performance of their public duties. In addition to being a violation of other laws, it is also a violation of this chapter for any public servant to:
  - (1) Be convicted of any felony or misdemeanor involving moral turpitude, as that term may be defined by state law, whether or not the crime relates directly to the duties of the public servant's position in public service; or
  - (2) Be found guilty of or liable for violating any federal, state or city law prohibiting discrimination against any protected class; or
  - (3) Be found guilty of or liable for violating any federal, state or city laws prohibiting sexual harassment; or

- (4) Be found guilty of violating any federal, state or city laws prohibiting retaliation against public servants who assert a lawful claim of any nature or otherwise engage in lawfully protected activity; or
- (5) Be found guilty of violating any state laws governing lobbying activities conducted by the public servant; or
- (6) Be found guilty of violating the city's policy prohibiting the possession or consumption by employees of alcohol or any controlled or illegal substance in any city facility, vehicle, or work site, including lunch periods and rest breaks; prohibiting public servants from driving or reporting to work, performing work, or visiting a work site while under the influence of alcohol or any controlled or illegal substance; prohibiting public servants from engaging in the consumption, possession, sale, purchase or transfer of controlled substances; and imposing a duty to provide proof of lawful prescription when requested; to advise a supervisor if the use of prescription drugs may affect a public servant's ability to perform public duties safely and efficiently; or
- (7) Be found guilty of violating any federal, state or city laws or policies regulating political activity; or
- (8) Be convicted of habitual violations of other federal, state and local laws. Public servants have an ethical duty to abide by the general laws of the state and city, such as the laws governing driving under the influence, the uniform rules of the road, and offenses involving moral turpitude. Habitual violations of state and city laws may indicate disrespect for the law and may contribute to the erosion of public trust.
  - a. If any person believes that a public servant has been convicted of habitual violations of state, federal, or local laws, and that those convictions contribute to the erosion of public trust, that person may file a written complaint with the city clerk, setting forth the facts upon which the complaint is based. The clerk shall forward a copy of the complaint to the alleged offender and the selected three (3) member panel; and if the panel, in its discretion, decides to hear the complaint, it shall give the person notice and an opportunity to be heard. In the event the panel finds that the alleged offender is guilty of habitual violations of law and that the violations contribute to the erosion of public trust, the panel shall have no power other than to inform the offender and city council of the panel's findings, which may subject the offender to further disciplinary action. Having received such notice, the offender shall violate this chapter if the offender violates the order of the board.
  - b. In addition, the governing body, or city manager, where applicable, acting with the authorization of the governing body, may adopt a policy more precisely describing this general duty of all public servants to comply with specified laws in order to help gain and retain respect for city government. The policy must inform public servants of the circumstances under which, and the procedures by means of which, violations of state and city laws will be deemed violations of the policy. The procedures adopted in connection with the policy must safeguard the Constitutional rights of the public servants who are subject to the policy, including the rights of notice and a hearing. If the city adopts a general policy, public servants have a duty to adhere to that policy. If they fail to do so, and thereafter, in accordance with the procedures established by the policy, are determined to have violated

the policy, the violation of the policy by the public servants shall also constitute a violation of this provision of this chapter.

- (9) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any benefits to him or her or to his or her immediate family, or for those with whom the member has business or financial ties.
- (10) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, a city employee, an appointed official of the city, or a contract employee to provide any benefit to him or her or to persons in his or her immediate family.
- (11) No member of the governing body shall use his or her position in any way to coerce, or give the appearance of coercing, a municipal court judge in the outcome of matters before the municipal court.

**Sec. 2-4007. - Reserved.**

**Sec. 2-4008. - Complicity.**

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any public servant or a public servant's partner in interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

**Sec. 2-4009. - Deliberation and vote prohibited.**

Except as otherwise provided by law, no public servant shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the governing body in which the public servant or a partner in interest has a conflict of interest.

**Sec. 2-4010. - Duty to leave meeting.**

- (a) To avoid the appearance of impropriety, after any public servant or a partner in interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the public servant shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the public servant may remain in the area of the room occupied by the general public. If a public servant who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the public servant shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.
- (b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the public servant's conflict has been disclosed, and the public servant abstains from voting on the item.

**Sec. 2-4011. - Public contracts.**

- (a) The city is prohibited from entering into any contract with a business in which a public servant or a public servant's partner in interest has a controlling interest without full disclosure.

- (b) Any public servant who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
  - (1) The solicitation of a contract; or
  - (2) The bidding of a contract; or
  - (3) The negotiation of a contract; or
  - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the city council.
- (d) *Mandatory provision in independent contracts.* When the city contracts with any person to act on behalf of the city as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the city attorney or by a decision of the ethics board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

**Sec. 2-4012. - Disclosure of conflict of interest or potential conflict of interest.**

- (a) A governing body member who has or may have, a conflict of interest in a matter which requires an official action by any decision maker, shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest; if the member of the governing body believes that no conflict of interest exists, or that despite any alleged or potential special interest, such governing body member is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the public interest, then the member shall so state in the written disclosure. All questions relating to a special interest shall be resolved before the matter is decided, and if the matter comes before the governing body, before the governing body engages in any consideration of the merits of the matter.
- (b) If any member of the ethics board has or may have a conflict of interest in any matter before the board or the ethics panel, such member shall not appear before the board or the panel, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest. All questions relating to a conflict of interest of any board member shall be resolved before the board or the panel engages in any consideration of the merits of any matter in which a special interest is involved.
- (c) If the city attorney or any assistant city attorney has or may have a conflict of interest in any matter before the ethics panel or the board, or if any attorney who is responsible for performing any functions on behalf of the ethics panel or board is precluded from doing so because of a legal conflict of interest (such as that arising from the representation of a party whose legal position is adverse to that of the board) which cannot be resolved by the city attorney's office internally by screening or some other method, the attorney shall disclose the personal interest, or the nature of the conflict, to the ethics panel or board. If the ethics panel or board

determines that the attorney has a personal interest in the matter, or if the city attorney determines that the city attorney's office cannot resolve the conflict in a manner which will allow the city attorney's office to perform its duties properly in the matter, another attorney shall be selected by the city attorney to assist ethics panel.

- (d) Any public servant who has or may have a conflict of interest shall disclose it, in writing filed with city clerk. After receiving a disclosure, the city clerk shall:
  - (1) Maintain a record of such disclosure which shall be open to the public; and
  - (2) Promptly forward a copy of the disclosure to the decision maker which may act on the matter; and
  - (3) Promptly forward a copy of the disclosure to any person who is named in the disclosure as having or potentially having a conflict of interest; and
  - (4) Promptly forward a copy of the disclosure to the members of the board selected as the ethics panel and to the city attorney.
- (e) Any public servant who believes that any other public servant has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the city clerk, and the city clerk shall forward copies of such disclosure to the person who is alleged to have a conflict of interest to the city attorney.
- (f) A public servant, in addition to disqualifying himself or herself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing, in writing, with the city clerk an affidavit disclosing the relationship and the nature and extent of the conflict of interest involved.
- (g) A public servant shall not participate in any public discussions, executive session discussions or voting where the public servant, public servant's family member or partner in interest may gain from any decision ultimately made, including legal issues and employment issues.

**Sec. 2-4013. - Reserved.**

**Sec. 2-4014. - Reserved.**

**Sec. 2-4015. - Candidates: honesty in applications for positions.**

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any city public servant.

**Sec. 2-4016. - Financial disclosure statement—Filing.**

Financial disclosure statements shall be filed as required by state law.

**Sec. 2-4017. - Reserved.**

**Sec. 2-4018. - Reserved.**

**Sec. 2-4019. - Reserved.**

**Sec. 2-4020. – Reserved.**

**Sec. 2-4021. - Reserved.**

**Sec. 2-4022. - Reserved.**

**Sec. 2-4023. - Reserved.**

**Sec. 2-4024. - Reserved.**

**Sec. 2-4025. - Reserved.**

**Sec. 2-4026. - Reserved.**

**Sec. 2-4027. - Reserved.**

**Sec. 2-4028. - Reserved.**

**Sec. 2-4029. - Reserved.**

**Sec. 2-4030. - Severability.**

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the mayor and council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the mayor and council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter 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 mayor and council that such invalidity, unconstitutionally 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 chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

The foregoing <sup>Ordinance</sup> Resolution No. 002017-003 was offered by Councilmember Jackson, who moved its approval. The motion was seconded by Councilmember Gilyard, and being put to a vote, the result was as follows:

|                                                  | AYE                                 | NAY                      |
|--------------------------------------------------|-------------------------------------|--------------------------|
| William "Bill" Edwards, Mayor                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Catherine Foster Rowell <sup>Mayor Pro Tem</sup> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carmalitha Lizandra Gumbs                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Zenobia Willis                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gertrude Naeema Gilyard                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Rosie Jackson                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| khalid kamau                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mark Baker                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**\*\* The Title Mayor Pro Tem will be added behind the name of the person selected.**

Ordinance  
THIS ~~RESOLUTION~~ adopted this 29th day of April, 2017. CITY OF  
SOUTH FULTON, GEORGIA

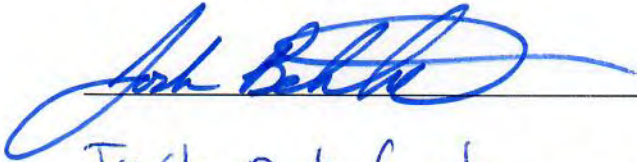
  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

  
Mark Massey, CITY CLERK



APPROVED AS TO FORM:

  
Josh Belinfante, CITY ATTORNEY Interim



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-010**

**ADOPTION OF ORDINANCE ESTABLISHING THE PLANNING  
COMMISSION FOR THE CITY OF SOUTH FULTON**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

**WHEREAS**, Section 4.11 of the City Charter authorizes the City Council to create such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the City Council deems necessary;

**WHEREAS**, Section 1.12(b)(26) of the City Charter authorizes the City to exercise planning and zoning powers;

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

**WHEREAS**, the establishment of a Planning Commission to oversee all zoning and planning of the City is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Chapter 5, Title 5, Zoning and Planning, is hereby established and enacted as follows:

**Title 5: ZONING AND PLANNING**

**CHAPTER 1. – Reserved.**

**CHAPTER 2. – Reserved.**

**CHAPTER 3. – Reserved.**

**CHAPTER 4. – Reserved.**

## **CHAPTER 5. – PLANNING COMMISSION**

### **Sec. 5-5001. – Initiation of amendments.**

- (a) Amendments to the text of this chapter and the official zoning map may be initiated by the city council, official action of the planning commission, or pursuant to a proposed ordinance introduced by the community development department.
- (b) Owners of subject property or their authorized agent may initiate amendments to the official zoning map and the comprehensive plan subject to the rules and policies of the planning commission, ordinances and resolutions of the City, and Georgia law.
- (c) Before enacting any amendment to this chapter or to the official zoning map, the city council shall provide for the public notice and public hearings required by this chapter and Georgia law.

### **Sec. 5-5002. – Planning commission established; membership; terms.**

- (a) *Creation.* There is hereby established a planning commission which shall consist of eight members, residents of the city, who shall be appointed by the governing authority as follows:
    - (1) One member shall be nominated by each member of the City Council and the Mayor; and
    - (2) Each member shall be approved by a vote of the majority of the City Council.
  - (b) *Terms.* The Planning commissioners shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A planning commissioner shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Planning commissioners shall serve no more than two terms, either consecutive or non-consecutive.
  - (c) *Chair and Vice Chair.* The planning commission shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the planning commission shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Planning Commission. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.
- (c) *Qualifications.*
- (1) Members of the planning commission shall hold no other city office or city-compensated position during such member's term.
  - (2) All planning commissioners shall be residents of the City.
  - (3) No person shall preside at a meeting of the planning commission as a member of the planning commission until they have been certified as having completed a training session of eight hours.

- (d) *Removal.* Planning commissioners serve at the pleasure of the City Council and may be removed upon motion of the nominating commissioner and affirmative vote of a majority of the City Council.
- (e) *Compensation.* The City Council shall, by resolution, determine the amount of compensation, if any, to be paid to the members of the planning commission. In the absence of such resolution, no compensation shall be provided to the members of the planning commission.

**Sec. 5-5003.** – Planning commission to hold public hearing and make recommendation on all proposed amendments.

The planning commission shall not meet or exercise any authority unless or until the City adopts ordinances governing planning and development, including a zoning map. No amendment to the official zoning map or the comprehensive plan character area maps shall become effective unless it has first been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this title and this chapter. No amendment to the text of this chapter shall become effective unless a proposed ordinance has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this division and this chapter.

**Sec. 3-5004.** – Planning Commission and City Council to adopt rules of procedures.

The planning commission and the City Council shall propose rules of procedure to the City Council, and the rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Planning Commission. Robert's Rules of Order shall govern any procedural question not otherwise covered in the rules of procedure of the Planning Commission or City Council. The proposed rules shall not be effective until either the City Council approves them at a public meeting, or the City Council has not acted on the proposed rules for three public meetings since receiving notice of the proposed rules by the Planning Commission. Notice shall be provided to the City Council by the City Clerk upon transmission of the proposed rules from the Planning Commission to the City Clerk. The Planning Commission rules shall be made available for distribution to the public.

**Sec. 3-5005.** – Secretary of Planning Commission; staff support.

The Planning Commission shall appoint a secretary. The secretary may be a member of the Planning Commission, or he or she may be an appointed officer or employee of the City subject to the Mayor's approval. The secretary shall provide support to the Planning Commission as reasonable and necessary to accomplish said Commission's duties. The secretary of the Planning Commission shall provide the members of the Planning Commission all information submitted to, or generated by, city staff on each proposed amendment, which the Commission considers, including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in the opposition to the amendment; and the proposed amendment. The secretary shall be responsible for permanently maintaining the records of the Planning Commission.

\*\*\*\*\*

**Section 2: Severability**

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

**Section 3: Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4: Effective Date**

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be \_\_\_\_\_, 2017.

The foregoing Ordinance No. **2017-010** 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:

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

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF  
SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-011**

**ADOPTION OF ORDINANCE ESTABLISHING THE ZONING BOARD OF  
APPEALS FOR THE CITY OF SOUTH FULTON**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

**WHEREAS**, Section 4.11 of the City Charter authorizes the City Council to create such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the City Council deems necessary;

**WHEREAS**, Section 1.12(b)(26) of the City Charter authorizes the City to exercise planning and zoning powers;

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

**WHEREAS**, the establishment of a Zoning Board of Appeals to oversee all zoning and planning appeals regarding real property within the City’s borders is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Chapter 6, Title 5, Zoning and Planning, is hereby established and enacted as follows:

**Title 5: ZONING AND PLANNING**

**CHAPTER 6. – APPEALS**

**Sec. 5-6001. –** Zoning Board of Appeals established; membership; terms.

(a) *Creation.* There is hereby established a Zoning Board of Appeals which shall consist of eight members, residents of the city, who shall be appointed by the City Council as follows:

- (1) One member shall be nominated by each member of the City Council and the Mayor; and
- (2) Each member shall be approved by a vote of the majority of the City Council.

(b) *Terms.* The Zoning Board of Appeals members shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A board member shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Zoning Board of Appeal shall serve no more than two terms, either consecutive or non-consecutive. The members of the Zoning Board of Appeals terms shall not commence, and the members shall not sit in an official capacity until the City adopts its own zoning ordinance.

(c) *Chair and Vice Chair.* The Zoning Board of Appeals shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the Zoning Board shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Zoning Board of Appeals. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.

(c) *Qualifications.*

- (1) Board members shall hold no other city office or city-compensated position during such member's term.
- (2) All Zoning Board of Appeals members shall be residents of the City.
- (3) No person shall serve at a meeting of the Zoning Board of Appeals as a member until they have been certified as having completed at least two hours of training.

(d) *Removal.*

- (1) Zoning Board of Appeals members may be removed by the City Council at any time.
- (2) The Secretary of the Zoning Board of Appeals shall maintain a record of attendance of the Zoning Board of Appeals, and the Secretary shall forward the attendance reports and minutes to the City Clerk after they are approved by the Zoning Board of Appeals. The City Clerk shall notify the City Council if any

member of the Zoning Board of Appeals fails to attend three consecutive meetings or fails to attend 75 percent or more of the meetings within a calendar year.

- (e) *Compensation.* The City Council may, by resolution, determine the amount of compensation, if any, to be paid to the Zoning Board of Appeals members. In the absence of such resolution, no compensation shall be provided to the members of the Zoning Board of Appeals.

**Sec. 5-6002.** – Meetings of the board.

The board shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council, and determine its time of meetings. The date and time of each meeting shall be standardized and regular; provided, however, the Zoning Board of Appeals may call for and have a specially called meeting subject to the requirements of Georgia law and the ordinances of the City. In the case of a specially called meeting, at least 24 hours public notice shall be made available. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council. A meeting may be canceled by the chairperson, secretary or community development director or his designee if there are no matters to be acted upon by the board.

**Sec. 5-6003.** – Rules of procedure.

The Zoning Board of Appeals shall propose rules of procedure to the City Council, and the rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Zoning Board of Appeals. Robert's Rules of Order shall govern any procedural question not otherwise covered in the rules of procedure of the Zoning Board of Appeals or City Council. The proposed rules shall not be effective until either the City Council approves them at a public meeting, or the City Council has not acted on the proposed rules for three public meetings since receiving notice of the proposed rules by the Zoning Board of Appeals. Notice shall be provided to the City Council by the City Clerk upon transmission of the proposed rules from the Zoning Board of Appeals to the City Clerk. The Zoning Board of Appeals rules shall be made available for distribution to the public.

**Sec. 5-6004.** - Quorum, voting, and actions by board.

A quorum of the board shall consist of four members of the board. A quorum is necessary for the board to take official action. A member who has withdrawn from the meeting without being excused as provided herein shall be counted as present for the purpose of determining whether a quorum is present. All official actions of the board shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any member.

**Sec. 5-6005. - Secretary.**

The Zoning Board of Appeals shall appoint a secretary. The secretary may be a member of the Zoning Board of Appeals, or he or she may be an appointed officer or employee of the City subject to the Mayor's approval. The secretary shall provide support to the Zoning Board of Appeals as reasonable and necessary to accomplish said Board's duties. The secretary of the Zoning Board of Appeals shall provide the members of the Zoning Board of Appeals all information submitted to, or generated by, city staff on each proposed amendment, which the Zoning Board of Appeals considers, including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in the opposition to the amendment; any decision of the Board; the minutes, if any, of the Board meeting; and any filings made by any party that appears before the Board. The secretary shall be responsible for transmitting the records of the Zoning Board of Appeals to the City Clerk.

**Sec. 5-6006. – Reserved.**

**Sec. 5-6007. - Staff analysis, findings of fact, and recommendation on each application for variance and special exception.**

The appropriate City staff shall conduct a site inspection of and shall prepare a written analysis of each matter coming before the Zoning Board of Appeals. The analysis shall cite to and analyze the criteria and standards necessary to decide the issue presented to the Zoning Board of Appeals. The analysis may include a recommendation to the Zoning Board of Appeals.

**Sec. 5-6008. - Testimony.**

All testimony before the Zoning Board of Appeals shall be taken as if under oath regardless of whether or not a formal oath or affirmation is administered. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

**Sec. 3-6009. – Hearings before the Zoning Board of Appeals.**

(a) *Subject Matter Jurisdiction.* The Zoning Board of Appeals shall have the jurisdiction, power, and duty to hear and decide appeals may be filed by any person aggrieved by, or by any city official, department, board, commission, or agency affected by, any final order, requirement, or decision of an administrative official, based on or made in the enforcement of the zoning ordinance, by filing with the secretary of the board an application for appeal specifying the grounds thereof, within 15 days after the action appealed from was taken. The City may appeal to the Zoning Board of Appeals a decision of the Planning Commission. The failure of a City official, department, board, commission, or agency to act shall not be construed to be an order, requirement or

decision within the meaning of this division. A person shall be considered aggrieved for purposes of this subsection only if:

- (1) Said person or said person's property was the subject of the action appealed from; or
- (2) Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(b) *Deadline to file an appeal.* All appeals shall be filed pursuant to this Ordinance within thirty days of the decision appealed.

(c) *Appeal stays all legal proceedings.* An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Fulton County.

(d) *Time of hearing.* The board shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 3-6014 as well as due notice to the parties in interest. Any party may appear at the hearing in person, by an agent, by an attorney or by a written documentation. The Zoning Board of Appeals will not furnish a court reporter, but any party to the proceeding may do so at its own cost.

(e) *Notice of hearing.* Notice of public hearing before the board on any application for appeal, variance, or special exception shall be provided as follows:

- (1) Written notice of the nature of the proposed application, and the date, time, and place of the public hearing before the board shall be mailed by first class mail to all property owners within 250 feet of the boundaries of the subject property as measured by use of the official zoning map, and as such property owners are listed on the tax records of the county, at least 15 days before the public hearing before the board;
- (2) Signs shall be posted within the public right-of-way or on the subject property at least 15 days before the hearing before the board. One sign shall be posted for each 500 feet of street frontage or fraction thereof along each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street in order that said signs can be read by the traveling public in both directions. The lettering on the signs shall be at least one inch in size and the sign shall state the nature of the proposed application and the date, time and place of the public hearing before the board; and

- (3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation within the city in which are carried the legal advertisements of the city at least 15 days prior to the date of the hearing before the board and not more than 45 days prior to the date of the hearing before the board.

*(f) Decision of the board.* Following the consideration of all testimony, documentary evidence, and matters of record, the Zoning Board of Appeals shall make a determination on the matter before it. The Zoning Board of Appeals shall decide the appeal within a reasonable time but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

**Sec. 3-6010.** – Reserved.

**Sec. 3-6011.** – Reserved.

**Sec. 3-6012.** – Reserved.

**Sec. 3-6013.** – Reserved.

**Sec. 3-6014.** - Reserved.

**Sec. 3-6015.** – Reserved.

**Sec. 3-6016.** - Compliance with standards upon denial.

In such case that an application to the board is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within ten to 30 days of such denial or as specified by the board if a greater time period is required. The maximum extension of time the board may grant for correction shall not be less than 30 nor more than 90 days.

**Sec. 3-6017.** - Successive applications.

An application for a variance or special exception affecting all or a portion of the same property which was denied by the zoning board of appeals shall not be submitted more than once every 24 months measured from the date of final decision by the zoning board of appeals. The zoning board of appeals may waive or reduce this 24-month time interval by resolution provided that if the application for a variance or special exception was denied by the zoning board of appeals, the time interval between the date of said denial

and any subsequent application or amendment affecting the same property shall be no less than six months.

**Sec. 3-6018. - Appeals of decisions of the zoning board of appeals.**

All appeals of all final decisions of the board under the provisions of this chapter shall be as follows:

- (1) Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the superior court of the county for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the board is rendered.
- (2) Notice to board. In any such petition filed, the zoning board of appeals shall be designated the respondent in certiorari and the city the defendant in certiorari. The secretary of the zoning board of appeals shall be authorized to acknowledge service of a copy of the petition and writ for the zoning board of appeals as respondent. Service upon the city as defendant shall be as otherwise provided by law. Within the time prescribed by law, the zoning board of appeals shall cause to be filed with the clerk of the superior court of the county a duly certified record of the proceedings had before the board, including a transcript of the evidence heard before it, if any, and the decision of the board.

\*\*\*\*\*

**Section 2: Severability**

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

**Section 3: Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4: Effective Date**

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be \_\_\_\_\_, 2017.

The foregoing Ordinance No. **2017-011** 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 | _____ | _____ |
| Catherine Foster Rowell,      | _____ | _____ |
| Mayor Pro Tem                 |       |       |
| Carmalitha Lizandra Gumbs     | _____ | _____ |
| Helen Zenobia Willis          | _____ | _____ |
| Gertrude Naeema Gilyard       | _____ | _____ |
| Rosie Jackson                 | _____ | _____ |
| khalid kamau                  | _____ | _____ |
| Mark Baker                    | _____ | _____ |

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-011**

**ADOPTION OF ORDINANCE ESTABLISHING THE ZONING BOARD OF  
APPEALS FOR THE CITY OF SOUTH FULTON**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

**WHEREAS**, Section 4.11 of the City Charter authorizes the City Council to create such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the City Council deems necessary;

**WHEREAS**, Section 1.12(b)(26) of the City Charter authorizes the City to exercise planning and zoning powers;

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

**WHEREAS**, the establishment of a Zoning Board of Appeals to oversee all zoning and planning appeals regarding real property within the City’s borders is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Chapter 6, Title 5, Zoning and Planning, is hereby established and enacted as follows:

**Title 5: ZONING AND PLANNING**

**CHAPTER 6. – APPEALS**

**Sec. 5-6001. –** Zoning Board of Appeals established; membership; terms.

(a) *Creation.* There is hereby established a Zoning Board of Appeals which shall consist of eight members, residents of the city, who shall be appointed by the City Council as follows:

- (1) One member shall be nominated by each member of the City Council and the Mayor; and
- (2) Each member shall be approved by a vote of the majority of the City Council.

(b) *Terms.* The Zoning Board of Appeals members shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A board member shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Zoning Board of Appeal shall serve no more than two terms, either consecutive or non-consecutive. The members of the Zoning Board of Appeals terms shall not commence, and the members shall not sit in an official capacity until the City adopts its own zoning ordinance.

(c) *Chair and Vice Chair.* The Zoning Board of Appeals shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the Zoning Board shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Zoning Board of Appeals. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.

(c) *Qualifications.*

- (1) Board members shall hold no other city office or city-compensated position during such member's term.
- (2) All Zoning Board of Appeals members shall be residents of the City.
- (3) No person shall serve at a meeting of the Zoning Board of Appeals as a member until they have been certified as having completed at least two hours of training.

(d) *Removal.*

- (1) Zoning Board of Appeals members may be removed by the City Council at any time.
- (2) The Secretary of the Zoning Board of Appeals shall maintain a record of attendance of the Zoning Board of Appeals, and the Secretary shall forward the attendance reports and minutes to the City Clerk after they are approved by the Zoning Board of Appeals. The City Clerk shall notify the City Council if any

member of the Zoning Board of Appeals fails to attend three consecutive meetings or fails to attend 75 percent or more of the meetings within a calendar year.

- (e) *Compensation.* The City Council may, by resolution, determine the amount of compensation, if any, to be paid to the Zoning Board of Appeals members. In the absence of such resolution, no compensation shall be provided to the members of the Zoning Board of Appeals.

**Sec. 5-6002.** – Meetings of the board.

The board shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the City Council, and determine its time of meetings. The date and time of each meeting shall be standardized and regular; provided, however, the Zoning Board of Appeals may call for and have a specially called meeting subject to the requirements of Georgia law and the ordinances of the City. In the case of a specially called meeting, at least 24 hours public notice shall be made available. Agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council. A meeting may be canceled by the chairperson, secretary or community development director or his designee if there are no matters to be acted upon by the board.

**Sec. 5-6003.** – Rules of procedure.

The Zoning Board of Appeals shall propose rules of procedure to the City Council, and the rules shall specify the policies and procedures that govern calling and conducting the public hearings by the Zoning Board of Appeals. Robert's Rules of Order shall govern any procedural question not otherwise covered in the rules of procedure of the Zoning Board of Appeals or City Council. The proposed rules shall not be effective until either the City Council approves them at a public meeting, or the City Council has not acted on the proposed rules for three public meetings since receiving notice of the proposed rules by the Zoning Board of Appeals. Notice shall be provided to the City Council by the City Clerk upon transmission of the proposed rules from the Zoning Board of Appeals to the City Clerk. The Zoning Board of Appeals rules shall be made available for distribution to the public.

**Sec. 5-6004.** - Quorum, voting, and actions by board.

A quorum of the board shall consist of four members of the board. A quorum is necessary for the board to take official action. A member who has withdrawn from the meeting without being excused as provided herein shall be counted as present for the purpose of determining whether a quorum is present. All official actions of the board shall be taken by majority vote of the members present. A roll call vote shall be taken upon the request of any member.

**Sec. 5-6005. - Secretary.**

The Zoning Board of Appeals shall appoint a secretary. The secretary may be a member of the Zoning Board of Appeals, or he or she may be an appointed officer or employee of the City subject to the Mayor's approval. The secretary shall provide support to the Zoning Board of Appeals as reasonable and necessary to accomplish said Board's duties. The secretary of the Zoning Board of Appeals shall provide the members of the Zoning Board of Appeals all information submitted to, or generated by, city staff on each proposed amendment, which the Zoning Board of Appeals considers, including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in the opposition to the amendment; any decision of the Board; the minutes, if any, of the Board meeting; and any filings made by any party that appears before the Board. The secretary shall be responsible for transmitting the records of the Zoning Board of Appeals to the City Clerk.

**Sec. 5-6006. – Reserved.**

**Sec. 5-6007. - Staff analysis, findings of fact, and recommendation on each application for variance and special exception.**

The appropriate City staff shall conduct a site inspection of and shall prepare a written analysis of each matter coming before the Zoning Board of Appeals. The analysis shall cite to and analyze the criteria and standards necessary to decide the issue presented to the Zoning Board of Appeals. The analysis may include a recommendation to the Zoning Board of Appeals.

**Sec. 5-6008. - Testimony.**

All testimony before the Zoning Board of Appeals shall be taken as if under oath regardless of whether or not a formal oath or affirmation is administered. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

**Sec. 3-6009. – Hearings before the Zoning Board of Appeals.**

(a) *Subject Matter Jurisdiction.* The Zoning Board of Appeals shall have the jurisdiction, power, and duty to hear and decide appeals may be filed by any person aggrieved by, or by any city official, department, board, commission, or agency affected by, any final order, requirement, or decision of an administrative official, based on or made in the enforcement of the zoning ordinance, by filing with the secretary of the board an application for appeal specifying the grounds thereof, within 15 days after the action appealed from was taken. The City may appeal to the Zoning Board of Appeals a decision of the Planning Commission. The failure of a City official, department, board, commission, or agency to act shall not be construed to be an order, requirement or

decision within the meaning of this division. A person shall be considered aggrieved for purposes of this subsection only if:

- (1) Said person or said person's property was the subject of the action appealed from; or
- (2) Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(b) *Deadline to file an appeal.* All appeals shall be filed pursuant to this Ordinance within thirty days of the decision appealed.

(c) *Appeal stays all legal proceedings.* An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Fulton County.

(d) *Time of hearing.* The board shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 3-6014 as well as due notice to the parties in interest. Any party may appear at the hearing in person, by an agent, by an attorney or by a written documentation. The Zoning Board of Appeals will not furnish a court reporter, but any party to the proceeding may do so at its own cost.

(e) *Notice of hearing.* Notice of public hearing before the board on any application for appeal, variance, or special exception shall be provided as follows:

- (1) Written notice of the nature of the proposed application, and the date, time, and place of the public hearing before the board shall be mailed by first class mail to all property owners within 250 feet of the boundaries of the subject property as measured by use of the official zoning map, and as such property owners are listed on the tax records of the county, at least 15 days before the public hearing before the board;
- (2) Signs shall be posted within the public right-of-way or on the subject property at least 15 days before the hearing before the board. One sign shall be posted for each 500 feet of street frontage or fraction thereof along each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street in order that said signs can be read by the traveling public in both directions. The lettering on the signs shall be at least one inch in size and the sign shall state the nature of the proposed application and the date, time and place of the public hearing before the board; and

- (3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation within the city in which are carried the legal advertisements of the city at least 15 days prior to the date of the hearing before the board and not more than 45 days prior to the date of the hearing before the board.

*(f) Decision of the board.* Following the consideration of all testimony, documentary evidence, and matters of record, the Zoning Board of Appeals shall make a determination on the matter before it. The Zoning Board of Appeals shall decide the appeal within a reasonable time but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

**Sec. 3-6010.** – Reserved.

**Sec. 3-6011.** – Reserved.

**Sec. 3-6012.** – Reserved.

**Sec. 3-6013.** – Reserved.

**Sec. 3-6014.** - Reserved.

**Sec. 3-6015.** – Reserved.

**Sec. 3-6016.** - Compliance with standards upon denial.

In such case that an application to the board is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within ten to 30 days of such denial or as specified by the board if a greater time period is required. The maximum extension of time the board may grant for correction shall not be less than 30 nor more than 90 days.

**Sec. 3-6017.** - Successive applications.

An application for a variance or special exception affecting all or a portion of the same property which was denied by the zoning board of appeals shall not be submitted more than once every 24 months measured from the date of final decision by the zoning board of appeals. The zoning board of appeals may waive or reduce this 24-month time interval by resolution provided that if the application for a variance or special exception was denied by the zoning board of appeals, the time interval between the date of said denial

and any subsequent application or amendment affecting the same property shall be no less than six months.

**Sec. 3-6018. - Appeals of decisions of the zoning board of appeals.**

All appeals of all final decisions of the board under the provisions of this chapter shall be as follows:

- (1) Any person aggrieved by a final decision of the board, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the superior court of the county for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the board is rendered.
- (2) Notice to board. In any such petition filed, the zoning board of appeals shall be designated the respondent in certiorari and the city the defendant in certiorari. The secretary of the zoning board of appeals shall be authorized to acknowledge service of a copy of the petition and writ for the zoning board of appeals as respondent. Service upon the city as defendant shall be as otherwise provided by law. Within the time prescribed by law, the zoning board of appeals shall cause to be filed with the clerk of the superior court of the county a duly certified record of the proceedings had before the board, including a transcript of the evidence heard before it, if any, and the decision of the board.

\*\*\*\*\*

**Section 2: Severability**

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

**Section 3: Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4: Effective Date**

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be \_\_\_\_\_, 2017.

The foregoing Ordinance No. **2017-011** 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 | _____ | _____ |
| Catherine Foster Rowell,      | _____ | _____ |
| Mayor Pro Tem                 |       |       |
| Carmalitha Lizandra Gumbs     | _____ | _____ |
| Helen Zenobia Willis          | _____ | _____ |
| Gertrude Naeema Gilyard       | _____ | _____ |
| Rosie Jackson                 | _____ | _____ |
| khalid kamau                  | _____ | _____ |
| Mark Baker                    | _____ | _____ |

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-012**

**ADOPTION OF ORDINANCE ESTABLISHING THE BOARD OF CODE  
ENFORCEMENT FOR THE CITY OF SOUTH FULTON**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

**WHEREAS**, Section 4.11 of the City Charter authorizes the City Council to create such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the City Council deems necessary;

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

**WHEREAS**, O.C.G.A. § 36-74-3 authorizes the City to create a local code enforcement board; and

**WHEREAS**, the establishment of a code enforcement board within the City’s borders is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Chapter 4, Title 3, Building Regulations, is hereby established and enacted as follows:

**Title 3: Building Regulations**

**CHAPTER 4. – BOARD OF CODE ENFORCEMENT**

**Sec. 3-4001.** – Board of Code Enforcement established.

- (a) *Creation.* There is hereby established a Enforcement Board which shall consist of eight members, residents of the city, who shall be appointed by the City Council as follows:
- (1) One member shall be nominated by each member of the City Council and the Mayor; and
  - (2) Each member shall be approved by a vote of the majority of the City Council.
- (b) *Terms.* The Enforcement Board members shall serve a term consistent with that of the member of the City Council (or the Mayor) making the nomination. A Enforcement Board member shall serve until his or her replacement is appointed by the City Council in a manner consistent with this ordinance. The Enforcement Board members shall serve no more than two terms, either consecutive or non-consecutive, and a term shall end upon the swearing in or re-swearing in of the member of the City Council (or the Mayor) who nominates the Enforcement Board member.
- (c) *Chair and Vice Chair.* The Enforcement Board shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the Enforcement Board shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the Enforcement Board. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.
- (c) *Qualifications.*
- (1) Members of the Enforcement Board shall hold no other city office or city-compensated position during such member's term.
  - (2) All Enforcement Board members shall be residents of the City.
  - (3) No person shall preside at a meeting of the Enforcement Board as a member of the Enforcement Board until they have been certified as having completed a training session of eight hours.
- (d) *Removal.*
- (1) Except as provided in paragraph (d)(2) of this Section, Enforcement Board members serve at the pleasure of the City Council and may be removed upon motion of the nominating commissioner and affirmative vote of a majority of the City Council.

(2) Enforcement Board members shall automatically be removed from the Board if they miss two consecutive meetings without the permission of the Chair, or if the Board member fails to attend at least 75 percent of the Board meetings in a 12 month period. The Board secretary shall notify the City Clerk of any Board member who does not attend a meeting. If a Board member is removed for failure to attend meetings as set forth in his paragraph, the removal is automatic and does not require a vote of the City Council.

(e) *Compensation.* The City Council shall, by resolution, determine the amount of compensation, if any, to be paid to the members of the Enforcement Board. In the absence of such resolution, no compensation shall be provided to the members of the Enforcement Board.

(f) *Jurisdiction.* The Enforcement Board shall have jurisdiction to decide matters and alleged violations of the City Building Code.

**Sec. 3-4002.** – Officers and rules.

The presence of four or more members shall constitute a quorum. The decisions of the Board shall be by motion approved by a majority of those members present and voting, except that at least four members must vote in order for an action of the board to be official. The Board member nominated by the Mayor shall not vote unless there is a tie. The City Attorney or his/her designee shall represent and be counsel to the Board; provided, however, in the case of a conflict between the City Council and the Board, the City Attorney shall represent the City Council.

The Board shall adopt and publish policies, procedures and rules in keeping with the provisions of this chapter and submit the rules to the City Council for approval. If the City Council does not approve of the policies within three consecutive meetings of receiving such notice by the City Clerk, the rules shall be deemed adopted. Such policies, procedures and rules shall be available in the office of the City Clerk.

**Sec. 3-4003.** – Board Secretary.

A City employee shall serve as the Board secretary. The secretary shall provide support to the Board as reasonable and necessary to accomplish said Commission's duties. The secretary of the Board shall provide the members of the Board all information submitted to, or generated by, city staff on each substantive issue that the Commission considers, including: proposals, applications, citation(s), if any, as well as any other written communications given to the staff either in support of or in the opposition to the citation. The secretary shall be responsible for working with the City Clerk to maintain the records of the Board.

**Sec. 3-4004.** - Meetings.

The Board shall establish its meeting schedule, and it shall meet at least twice a month. The Board may cancel a meeting if there are no items to discuss, or for good cause. Additional meetings may be called by the chairman. All hearings before the board shall be open to the public except as provided by law. The alleged violator, the alleged violator's representative, the code inspector and any person whose interests are affected shall be given an opportunity to be heard. The board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The initial presentation of each case before the board shall be by the code inspector.

**Sec. 3-4005. – Hearing.**

- (a) *General.* No member of the board shall have the power to initiate enforcement proceedings under this chapter. If a violation of any provision of the Code of Laws is found, the code inspector shall notify the violator and specify a reasonable time to correct the violation. If the violation is corrected and then recurs or if the violation is not corrected by the time specified the code inspector may so notify the violator, but is not required to give the violator a reasonable time to correct the violation. If a violation is not corrected within the time specified, the code inspector shall request a hearing before the board.
- (b) *Notification.* If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the board and request a hearing. The case may be presented to the board even if the repeat violation has been corrected prior to the hearing, and the notice for the violator shall so state. The matter shall be scheduled for the next available hearing before the board, and notice of the hearing shall be given as provided in section 3-7009.
- (c) *Violation presents threat to public welfare.* If the code inspector has substantial reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and immediately notify the board and request a hearing.
- (d) *Continuance.* The board may continue the hearing from time to time for good cause. The board shall, in all instances, reach a decision within 15 calendar days from the date of the final hearing at which receipt of all evidence has been concluded.
- (e) *Postponed hearing.* When a quorum is not present, or the board is unable to reach a decision on a case, the hearing shall be postponed until the next scheduled board meeting, with notification provided in accordance with section 3-7009 of this chapter.
- (f) *Order to comply/order to pay fine.* Every order to comply and/or order to pay fine entered by the board shall be executed by the chairperson, or, in the chairperson's absence, the vice-chairperson, and shall be filed in the office of the secretary to the board.

(g) *Variances.* The Code Enforcement Board, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the construction codes or public interest, and also finds all of the following:

- (1) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
- (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
- (5) That the grant of the variance will be consistent with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.

In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.

**Sec. 3-4006.** – Hearing notification.

- (a) Notification of the board hearing to the alleged violator shall be given by certified mail, return receipt requested, hand delivery by the code inspector or other persons designated by the City, by leaving said notice at the violator's usual place of residence with any person therein who is over 15 years of age and informing such person of the contents of the notice; or by leaving the notice at the violator's usual place of business with a manager or other upper level employee who is over 15 years of age and informing such person of the contents of the notice, no later than the 15th day before the date of the hearing. The notice shall be in a form approved by the City Manager and shall include a reference to the provisions of the Code of Laws and/or conditions of zoning being violated, and the date, time and location of the hearing.
- (b) At the option of the board, and in addition to the notice described above, or if repeated attempts at providing notice as described above are unsuccessful, notice of the hearing may be published 30 days prior to the hearing once a week for four

consecutive weeks in the newspaper in which the sheriff's advertisements are printed for Fulton County. Proof of publication shall be provided and maintained for the official record.

- (c) Where efforts to provide notice pursuant to paragraph (a) of this section are unsuccessful, evidence of an attempt to serve the alleged violator pursuant to paragraph (a) together with proof of publication as provided in paragraph (b) shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice

**Sec. 3-4007 – Decisions of the Board.**

- (a) If, after the conclusion of the hearing, the board finds that a violation does exist, the board may issue an order to comply consistent with the powers granted in this chapter, with findings and conclusions. An order to comply shall set forth the street address or a description of the structure and/or premises sufficient for identification. An order to comply shall include notice that it must be complied with by a specified date and that an administrative fine may be imposed if the order is not complied with by said date. The order shall state the nature of the violation, and the board shall consider the following factors in determining the content of the order to comply.
  - (1) Existence or nonexistence of a life, health or other type of hazard to the occupant or others in the building or premises;
  - (2) Severity of the hazard or negative effect upon the community;
  - (3) Number and extent of separate items that must be completed in order to bring the building or premises into compliance with the relevant codes;
  - (4) Length of time the violation(s) has been known to exist and the amount of time the code inspector has previously given for compliance;
  - (5) The existence or nonexistence of mitigating factors which caused the building or premises to be in violation or which may affect the amount of time for compliance.
  - (6) The board may divide the violation(s) into groups requiring compliance at various intervals, with inspections to be conducted at each stage by the code inspector.
  - (7) Whether the person coming before the Board, or if the person is a corporation, whether any of its officers, members, or directors have been found liable for previous violations,.
- (b) An order to pay fine shall specify the fine amount as determined and voted upon by the board, as well as the date and time the fine is due.
  - (1) A certified copy of such order may be recorded in the public records of the City and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation

concerns real property, any subsequent purchasers, successors in interest or assigns. If an order to pay fine is recorded in the public records pursuant to this subsection and the fine is paid by the date and time specified in the order, the board shall issue an order acknowledging that the fine has been paid in full and such order shall be recorded in the public records. A hearing is not required to issue such an order acknowledging the payment of a fine.

(2) The board may issue an order to pay a fine against the violator if the cited violation was not corrected within the time specified on the code inspector's notice or if an order to comply was not satisfied within the time specified in said order, even if said violation was corrected and brought into compliance prior to the hearing at which the fine was imposed.

**Sec. 3-4008. – Notification of decision.**

The board shall provide the violator a copy of the order to comply and/or the order to pay fine by at least hand delivery or certified United States mail, postage prepaid and return receipt requested, within a reasonable period of time after the decision.

**Sec. 4-4009. - Fines and fees.**

The board may impose fees and fines on a violator as follows:

- (1) A fine not to exceed \$1,000.00 per day for a violation involving the health or safety of a third party.
- (2) A fine not to exceed a total of \$1,000.00 for a violation not involving the health or safety of a third party.
- (3) The board shall determine fines considering the following factors:
  - a. The gravity of the violation;
  - b. Any actions taken by the violator to correct the violation; and
  - c. Any previous violations committed by the violator.
- (4) The board may reduce a fine imposed pursuant to this section.
- (5) Each day that the violation continues unabated shall be deemed an independent violation.

**Sec. 3-4010. - Failure to pay fine.**

- (a) A certified copy of an order to pay fine may be recorded in the public records of the City and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator. Upon petition

to the Superior Court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the board may request that the county attorney foreclose on the lien.

- (b) No lien imposed under this chapter shall continue for a period longer than 20 years after the certified copy of an order to pay fine has been recorded, unless within that time an action to foreclose on the lien is commenced in Superior Court. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees, which it incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

### **Sec. 3-4011. - Remedies.**

Nothing contained in this ordinance shall prohibit the board, acting through the code inspector, from enforcing this ordinance by any other lawful means which include both criminal and civil proceedings; provided, however, that the board shall not pursue a specific instance of an alleged violation of the Code of Laws against the violator before both the board and a court authorized to hear violations of local ordinances.

### **Sec. 3-4011. - Appeal and transfer.**

An aggrieved party, including the City, may appeal a final administrative order of the board to the Superior Court of Fulton County by writ of certiorari.

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### **Section 2: Severability**

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

### **Section 3: Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

### **Section 4: Effective Date**

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be July 12, 2017.

The foregoing Ordinance No. **2017-012** 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 | _____ | _____ |
| Catherine Foster Rowell,      | _____ | _____ |
| Mayor Pro Tem                 |       |       |
| Carmalitha Lizandra Gumbs     | _____ | _____ |
| Helen Zenobia Willis          | _____ | _____ |
| Gertrude Naeema Gilyard       | _____ | _____ |
| Rosie Jackson                 | _____ | _____ |
| khalid kamau                  | _____ | _____ |
| Mark Baker                    | _____ | _____ |

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF  
SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-013**

**ADOPTION OF ORDINANCE ESTABLISHING BUILDING  
REGULATIONS**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

**WHEREAS**, Section 1.12(b)(4) of the City Charter authorizes the City to regulate and license the erection and construction of buildings and all other structures and to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes;

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

**WHEREAS**, the establishment of building regulations regarding real property within the City’s borders is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Title 3, Building Regulations, is hereby established and enacted as follows:

**Building Regulations**

***Title 3:***

**Chapter 1: Adoption of State Law.**

***Section 3-0001: State Minimum Standards Adopted.***

- (a) It is hereby declared to be the intention of the City to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:

- (i) International Building Code
  - (ii) International Fuel Gas Code
  - (iii) International Mechanical Code
  - (iv) International Plumbing Code
  - (v) National Electrical Code
  - (vi) International Fire Code
  - (vii) International Energy Conservation Code
  - (viii) International Residential Code
  - (ix) International Swimming Pool and Spa Code
- (b) The following codes, the latest editions as adopted and amended by the Georgia Department of Community Affairs, are hereby adopted by reference as though they were copied herein fully:
- (i) International Existing Building Code
  - (ii) International Property Maintenance Code
- (c) The City also adopts the State Minimum Standards Codes as defined by O.C.G.A. § 8-2-20(9).

## **Chapter 2: Administrative Procedures for Enforcement of Adopted Codes.**

### *Section 2-0001: Purpose.*

The purpose of this Chapter is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the state minimum standard codes for construction shall be referred to as “the construction codes.”

### *Section 2-0002: Code Remedial.*

- (a) *General.* These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the construction environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical, and plumbing systems, which may be referred to as service systems.

- (b) *Quality Control.* Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.
- (c) *Permitting and Inspection.* The inspection or permitting of any building, system, or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The City of South Fulton, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

*Section 2-0003: Scope.*

- (a) *Applicability.*
  - (i) *General.* Where, in any specific case, different sections of these construction codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
  - (ii) *Building.* The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.
  - (iii) *Electrical.* The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
  - (iv) *Gas.* The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumer's gas piping, gas appliances, and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.
  - (v) *Mechanical.* The provisions of the International Mechanical Code, as adopted and amended by the Georgia Department of Community

Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems, except in one- and two-family dwellings.

- (vi) *Plumbing.* The provisions of the International Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, and when connected to a water or sewerage system.
- (vii) *One and Two- Family Dwellings.* In addition to those codes referenced herein, the provisions of the International Residential Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the building, mechanical, and gas systems in new one-and two-family dwellings, including additions, alterations, renovations and general repairs of existing one- and two-family dwellings.
- (viii) *Energy.* The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.
- (b) *Federal and State Authority.* The provisions of the construction codes shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.
- (c) *Appendices.* Any appendices referenced in Article 1 of this Chapter shall be considered an integral part of the construction codes.
- (d) *Referenced Standards.* Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (e) *Maintenance.* All buildings, structures, electrical, gas, mechanical, and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which

are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical, and plumbing systems.

*Section 3-2004: Building Department.*

- (a) *Creation of Building Department.* There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The staff, duties and personnel of the Building Department may be established by the Budget. The Building Official may be hired by the City Manager. The Department may be contracted out, in full, to a third party entity.
- (b) *Restrictions on Employees.* An officer or employee connected with the department, except one whose only connection is as a member of the Construction Board of Appeals, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.
- (c) *Records.* The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.
- (d) *Liability.* Any officer or employee, or member of the Construction Board of Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.
- (e) *Reports.* The Building Official shall submit a report each year covering the work of the Building Department during the preceding year. He/she may incorporate in said report a summary of the decisions of the Construction Board of Appeals during said year.

*Section 3-2005: Building Official.*

- (a) *General.* The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose. The City may contract with a third party to provide the duties of the Building Official.
- (b) *Right of Entry.*
  - (i) Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical, or plumbing systems unsafe, dangerous, or hazardous, the Building Official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
  - (ii) When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.
- (c) *Stop-work orders.* Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.
- (d) *Revocation of Permits.*

- (i) *Misrepresentation of Application.* The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (ii) *Violation of Code Provisions.* The Building Official may revoke a permit upon determination by the Building Official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical, or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.
- (e) *Unsafe Buildings or Systems.* All buildings, structures, electrical, gas, mechanical, or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.
- (f) *Requirements Not Covered by Code.* Any requirements necessary for the strength, stability, or proper operation of an existing or proposed building, structure, electrical, gas, mechanical, or plumbing system, or for the public safety, health, and general welfare, not specifically covered by or the construction codes, shall be determined by the Building Official.
- (g) *Alternate Materials and Methods.* The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability, and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

#### *Section 3-2006: Existing Buildings*

- (a) *General.* Alterations, repairs, or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical, or plumbing system without requiring the building, structure, plumbing, electrical, mechanical, or gas system to comply with all the requirements of the construction codes provided that the alteration, repair, or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

- (b) *Change of Occupancy.* If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical, and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.
- (c) *Special Historic Buildings.* The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within the fire districts.

*Section 3-2007: Permits.*

- (a) Permit Application.
  - (i) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work. A permit shall not be issued to an owner, who is neither a licensed contractor nor the occupant of a residential structure being altered.
  - (ii) *Work Authorized.* A building, electrical, gas, mechanical, or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
  - (iii) *Minor Repairs.* Ordinary minor repairs, with a value of less than \$2,500, may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.
  - (iv) *Information Required.* Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his/her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the

site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

- (v) *Time Limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.
- (b) Drawings and Specifications.
  - (i) *Requirements.* When required by the Building Official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term “legal” or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
  - (ii) *Additional Data.* The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications, and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.
  - (iii) *Design Professional.* The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:
    - (A) All Group A, E, and I occupancies.
    - (B) Buildings and structures three stories or more high.
    - (C) Buildings and structures 5,000 square feet ( $465\text{ m}^2$ ) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

EXCEPTION: Single-family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

- (iv) *Structural and Fire Resistance Integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor, or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes, and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.
  - (v) *Site Drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.
  - (vi) *Hazardous Occupancies.* The Building Official may require the following:
    - (A) *General Site Plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment, and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
    - (B) *Building Floor Plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.
- (c) Examination of Documents.
- (i) *Plan Review.* The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the

requirements of the construction codes and all other pertinent laws or ordinances.

(d) Issuing Permits.

- (i) *Action on Permits.* The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.
  - (ii) *Refusal to Issue Permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
  - (iii) *Special Foundation Permit.* When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.
  - (iv) *Public Right-of-Way.* A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley, or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of Public Works for the lines of the public street on which he/she proposes to build, erect, or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon.
- (e) *Contractor Responsibilities.* It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical, sprinkler, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are

permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

(f) Conditions of the Permit.

- (i) *Permit Intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.
- (ii) *Permit Issued on Basis of an Affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the construction codes. In the event such architect or engineer is not available, the owner shall employ in his place, a competent person or agency whose qualifications are reviewed by the Building Official.
- (iii) *Plans.* When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans “reviewed for code compliance.” One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

(g) Fees.

- (i) *Prescribed Fees.* A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the

estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, etc., has been paid.

- (ii) *Work Commencing Before Permit Issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
  - (iii) *Accounting.* The Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.
  - (iv) *Schedule of Permit Fees.* On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.
  - (v) *Building Permit Valuations.* If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical, or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment, and other systems, including materials and labor.
- (h) Inspections.
- (i) *Existing Building Inspections.* Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.
  - (ii) *Manufacturers and Fabricators.* When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

- (iii) *Inspection Service.* The Building Official may make, or cause to be made, the inspections required by subsection (vi), herein below. He/she may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (iv) *Inspections Prior to Issuance of Certificate of Occupancy or Completion.* The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.
- (v) *Posting of Permit.* Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Official.
- (vi) *Required Inspections.* The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:
  - (A) Building.
    - (1) *Foundation and foundation wall Inspection:* To be made after trenches are excavated, the reinforcement is in place, and the forms erected, prior to the placing of concrete.
    - (2) *Slab Inspection:* To be made prior to the placing of concrete.
    - (3) *Frame Inspection:* To be made after the roof, all framing, fireblocking, bracing and fasteners are in place, all concealed wiring, all pipes, chimneys, ducts, and vents are complete.

- (4) *Moisture Barrier Inspection:* To be made prior to the installation of the exterior finishing materials.
- (5) *Final Inspection:* To be made after the building is completed and ready for immediate occupancy.

(B) Electrical.

- (1) *Underground Inspection:* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- (2) *Rough-In Inspection:* To be made after the roof, framing, fireblocking, and bracing is in place and prior to the installation of wall or ceiling membranes.
- (3) *Final Inspection:* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(C) Plumbing.

- (1) *Underground Inspection:* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- (2) *Rough-In Inspection:* To be made after the roof, framing, fireblocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to this installation of wall or ceiling membranes.
- (3) *Final Inspection:* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
- (4) All tests required by Section 312 of the International Plumbing Code are hereby expressly adopted.

(D) Mechanical.

- (1) *Underground Inspection:* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
- (2) *Rough-In Inspection:* To be made after the roof, framing, fireblocking, and bracing are in place and all ducting, and

other concealed components are complete, and prior to the installation of wall or ceiling membranes.

- (3) *Final Inspection:* To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(E) Gas.

- (1) *Rough Piping Inspection:* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- (2) *Final Piping Inspection:* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- (3) *Final Inspection:* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

(F) Energy.

- (1) *Foundation Inspection:* To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
- (2) *Frame Inspection:* To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
- (3) *Final Inspection:* To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

- (vii) *Written Release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.
  - (viii) *Reinforcing Steel, Structural Frames, Insulation, Plumbing, Mechanical, or Electrical Systems.* Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.
  - (ix) *Plaster Fire Protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.
- (i) Certificates.
- (i) Certificate of Occupancy.
    - (A) *Building Occupancy.* A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.
    - (B) *Issuing Certificate of Occupancy.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.
    - (C) *Temporary/Partial Occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a commercial building, which in the opinion of the Building Official, may safely be occupied prior to final completion of the building. The

temporary/partial certificate of occupancy shall be forfeited if the certificate of occupancy is not issued within ninety (90) days.

- (D) *Existing Building Certificate of Occupancy.* A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.
- (ii) *Certificate of Completion.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical, or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.
- (iii) *Service Utilities.*
  - (A) *Connection of Service Utilities.* No person shall make connections from a utility, source of energy, fuel, or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.
  - (B) *Temporary Connection.* The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel, or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.
  - (C) *Authority to Disconnect Service Utilities.* The Building Official shall have the power to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building,

structure, or service system shall be notified in writing, as soon as practical thereafter.

(j) Posting Floor Loads.

- (i) *Occupancy.* An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, ccommercial, or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.
- (ii) *Storage and Factory-Industrial Occupancies.* It shall be the responsibility of the owner, agent, proprietor, or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.
- (iii) *Signs Required.* In every building or part of a building used for storage, industrial, or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

*Section 3-2008: Tests.*

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency. The Building Official shall notify an applicant, owner, or agent of the owner of the type of test(s) conducted.

*Section 3-2009: Construction Board of Appeals.*

- (a) *Appointment.* The City Council shall establish a board to be called the "Construction Board of Appeals." Members shall be nominated by the Mayor and approved by the Commission.
- (b) *Membership and Terms.*
  - (i) *Composition.* The Board shall be comprised of not less than three and not more than five persons. Each member shall serve a term of 4 years

and may serve consecutive terms. The qualifications of the Board members shall include at least one attorney.

- (ii) *Quorum and Voting.* A simple majority of the Board shall constitute a quorum. In varying any provision of the construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
  - (iii) *Chair and Vice Chair.* The Board shall elect one of its members to serve as chairperson and another to serve as vice-chairperson. The chairperson and vice-chairperson of the board shall serve a term of one year or until reelected or a successor is elected. The duty of the chair shall be to conduct the meetings in accordance with the procedures set forth herein and any other rules or regulations established by the board. The vice-chairperson shall conduct the meetings in the chair's absence. The vice-chairperson may be appointed chair if the chair is removed from office, or due to a physical or mental disability, cannot perform the duties of chair.
  - (iv) *Secretary of the Board.* The Building Official shall appoint a secretary for the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.
- (c) Powers. The Construction Board of Appeals shall have the power, as further defined in subsection (d) herein below, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes.
- (d) Appeals.
- (i) *Decision of the Building Official.* The owner of a building, structure, or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Appeals whenever any one of the following conditions are claimed to exist:
    - (A) The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
    - (B) The provisions of the construction codes do not apply to this specific case.

- (C) That an equally good or more desirable form of installation can be employed in any specific case.
  - (D) The Building Official acted outside the scope in excess of his/her authority.
  - (E) The Building Official advised his or her discretion or erred as a matter of law.
- (ii) *Variances.* The Construction Board of Appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the construction codes or public interest, and also finds all of the following:
- (A) That special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
  - (B) That the special conditions and circumstances do not result from the action or inaction of the applicant.
  - (C) That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
  - (D) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
  - (E) That the grant of the variance will be consistent with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.

In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance shall be deemed a violation of the construction codes.

- (iii) *Notice of Appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

- (iv) *Unsafe or Dangerous Buildings or Service Systems.* In the case of a building, structure, or service system, which, in the opinion of the Building Official, is unsafe, unsanitary, or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.
- (e) Rules and Regulations.
  - (i) *Establishment.* The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the chair. The Board shall meet within 30 calendar days after notice of appeal has been received.
  - (ii) *Decisions.* The Construction Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the construction codes, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for 2 weeks after filing. Every decision of the Board shall be final, subject to such remedy as any aggrieved party might have at law or in equity. A party coming before the Construction Board of Appeals may be represented by counsel and may transcribe the meeting at its own costs.

*Section 3-2010: Severability.*

If any section, subsection, sentence, clause, or phrase of the construction codes is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the construction codes.

*Section 3-2011: Violations and penalties.*

Any person, firm, corporation, or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish, or move any structure, electrical, gas, mechanical, or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical, or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of an ordinance violation. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the construction codes is committed or

continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by general law.

### Chapter 3: Miscellaneous Provisions.

#### *Section 3-3001: Maintenance of proper sanitary conditions on premises required; procedures; enforcement.*

- (a) Every person, whether owner, tenant, agent, or employee owning, holding, or occupying property in the City shall, at all times, maintain the property, whether a vacant lot or otherwise, in a clean and sanitary condition, keeping all weeds cut, wastepaper, trash and other rubbish of every sort cleaned off of the property. Said duty to maintain property in a clean and sanitary condition shall include the duty to cut and remove undergrowth, such as kudzu, briars, weeds in excess of 24 inches in height, honeysuckle, other vines and seedlings, whenever such undergrowth becomes a nuisance to persons residing in the area or operating businesses in the area. If such undergrowth exists upon an unimproved lot, the Planning and Zoning Director, or his or her designee, may reduce the extent to which the property must be maintained in such condition, provided there are no imminent threats to public health and safety.
- (b) It shall be the duty of the Community Development Director or a designee thereof to give 5 days written notice, by certified mail, return receipt requested, and take reasonable steps to deliver in person to any owner of property or other person violating this section to appear before the Municipal Court to show cause why these provisions have not been complied with. In addition, the Community Development Director or a designee shall immediately post a notification upon the property in violation of this section in order to provide visual notification to property owners for a period of 5 consecutive days.
  - (i) In lieu of inability to contact owners in other manners prescribed above, service may be obtained by any manner authorized by law.
  - (ii) After a hearing, if it is deemed by the Municipal Court that this section has not been complied with, such owner or other person shall be given 5 days to comply and if he/she fails or refuses to do so, the Public Works Director shall thereupon cause the work to be done.
  - (iii) For purposes of giving the notice to the owner of the property, as provided for herein, the person shown as the owner of said property on the ad valorem tax records of the City shall be sent such notice at the address shown thereon, unless the City receives actual notice that another person owns said property that owner shall be responsible for said violation.
- (c) When the Public Works Director has caused weeds to be cut from any premises, or wastepaper, trash, or other rubbish removed, a notice shall be prepared

assessing the cost of the cutting of those weeds, cleaning and rendering sanitary such vacant lot or other property against the owner, tenant, agent, or employee owning, occupying, or controlling the property. The cost of such action shall be a debtor lien upon the property so cleaned and rendered sanitary and a debt against the owner, tenant, agent, or other party in charge of the property. The debtor lien shall date from the completion of the work on the property as declared under City Council ordinance.

- (d) A written statement shall be furnished by the City Clerk to the owner, agent, or other party in charge of the property subject to the assessment provided for herein showing the amount of the assessment. It shall be the duty of the owner, agent, or other party in charge of the property subject to the assessment to pay the City within 30 days after the receipt of the statement the entire amount of the assessment against the property and the owner, tenant, agent, or other party in charge of the property.
- (e) Any owner, tenant, agent, or other party in control of property subject to assessment as provided herein who fails or refuses to pay to the City the amount of such assessment at the expiration of 30 days after the service of the notice of statement provided above, the City Clerk shall issue an execution bearing date of its issuance in the name of the Mayor of the City and specifying the purpose for which it is issued against the owner, tenant, agent, or other party in control of the property subject to the assessment and also against the property of the owner, tenant, agent, or other party in control of the property upon which the work in question is performed. The execution shall assert and be a lien against the property from the day of the completion of the performance of the work hereinbefore described and shall bear interest at the rate of 1 percent per month from the date on which it is issued. For the purposes of this section, any period of less than 1 month shall be considered to be 1 month.
- (f) The execution issued under these provisions shall be delivered to the Chief of Police or a designee thereof who shall execute the same by levying upon and selling the property described therein or so much thereof as may be necessary for the amount due the City from the doing of such work, together with all costs that may accrue thereon. The law applicable to the sales under other executions issued by this City shall apply to the levy, notice, advertisement and sale made under the execution, and the levying officer shall have authority to execute a deed to the purchaser when the property is sold and shall deliver the possession thereof to the purchaser within the time required by law as under tax executions.

### *Section 3-3002: Fire Limits.*

For purposes of the building code, the fire limits of the City shall be the same as is provided in this Code.

The foregoing Ordinance No. 2017-013 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:

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

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. CITY OF SOUTH FULTON, GEORGIA

\_\_\_\_\_  
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**ORDINANCE No. 2017-014**

**ADOPTION OF ORDINANCE AMENDING SECTION 3-0001(e) OF THE  
CITY OF SOUTH FULTON CODE OF ORDINANCES BY REVISING THE  
BUILDING CODE TO INCLUDE NEW REQUIREMENTS FOR CLASSIFYING  
CONSTRUCTION BASED ON BUILDING HEIGHT**

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

**WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

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

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

**WHEREAS**, the Mayor and City Council find that in order to preserve the safety of persons inhabiting buildings above a certain height, the Council wish to institute a requirement for construction with enhanced quality materials that increase the durability and longevity of the buildings;

**WHEREAS**, the City of South Fulton currently enforces building regulations as set out in Section 3 of the City of South Fulton Code, which adopts the state minimum standard building codes;

**WHEREAS**, in order to create easily accessible development regulations that integrate the adopted state regulations, the Mayor and Council wish to locally amend the state minimum standard building code to provide for increased building quality, sustainability, durability, and longevity while revitalizing the areas zoned for uses other than what is currently developed;

**WHEREAS**, the City Council has found that local climatic, geologic, topographic and public safety conditions justify the proposed amendment;

**WHEREAS**, the proposed amendment provides requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property;

**WHEREAS**, pursuant to O.C.G.A. § 8-2-25, the City of South Fulton has transmitted the text of the amendment to the Georgia Department of Community Affairs for review;

**WHEREAS**, the establishment of a building regulations within the City's borders is in the best interest of the City.

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

**Section 1:** The City of South Fulton Code of Ordinances, Title 3, Building Regulations, Chapter 1, Section 3-0001(e) is hereby amended and enacted as follows:

Building Regulations

**Title 3:**

**Chapter 1: Adoption of State Law.**

*Section 3-0001: State Minimum Standards Adopted.*

(e) Construction Classification and Building Height. Any new building or structure designed or intended to be more than three (3) stories in height in any respect and which individually or in aggregate with other principal buildings or structures on the same site exceeds 100,000 sq. ft. of Gross Floor Area (GFA), within the confined exterior walls of the structures whether occupiable or non-occupiable, shall, irrespective of any conflicting allowances or provisions of any other standard, code or ordinance having force and effect in the corporate limits of the City of South Fulton, Georgia, be of Type I or Type II construction defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia. This regulation shall not be used to relax or reduce any requirement in Table 503, Allowable Building Heights and Areas, or any other Section of the current adopted International Building Code.

\*\*\*\*\*

**Section 2: Severability**

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

**Section 3: Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4: Effective Date**

This Ordinance shall become effective after the Georgia Department of Community Affairs has informed the City of South Fulton that the Department has no comments on the proposal and it is a local decision whether to adopt the amendment or after 60 days from the date the City transmits the ordinance to the Georgia Department of Community Affairs, whichever is earlier.

The foregoing Ordinance No. **2017-014** 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 | _____ | _____ |
| Catherine Foster Rowell,      | _____ | _____ |
| Mayor Pro Tem                 |       |       |
| Carmalitha Lizandra Gumbs     | _____ | _____ |
| Helen Zenobia Willis          | _____ | _____ |
| Gertrude Naeema Gilyard       | _____ | _____ |
| Rosie Jackson                 | _____ | _____ |
| khalid kamau                  | _____ | _____ |
| Mark Baker                    | _____ | _____ |

THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF  
SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_  
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSH BELINFANTE, INTERIM CITY ATTORNEY



# **DIVIDER SHEET**

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

**RESOLUTION NO. 2017-032**

**RESOLUTION APPROVING THE CITY'S HOLIDAY SCHEDULE**

**WHEREAS**, the governing authority of the City of South Fulton ("City") desires to designate and establish the City's Holiday Schedule;

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

- January 1 shall be observed as New Year's Day
- Third Monday in January shall be observed as Martin Luther King Jr. Day
- Third Monday in February shall be observed as President's Day
- Last Monday in May shall be observed as Memorial Day
- July 4 shall be observed as Independence Day
- First Monday in September shall be observed as Labor Day
- Second Monday in October shall be observed as Columbus Day
- November 11 shall be observed as Veteran's Day
- Fourth Thursday in November shall be observed as Thanksgiving
- Fourth Friday in November shall be observed as Day after Thanksgiving
- December 24 shall be observed as Christmas Eve
- December 25 shall be observed as Christmas Day
- December 31 shall be observed as New Year's Eve

The City of South Fulton Municipal Court and other City Offices, other than public safety, will normally be closed on holidays.

The foregoing Resolution No. \_\_\_\_\_ 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 | _____ | _____ |
| Catherine Foster Rowell,      |       |       |
| Mayor Pro Tem                 | _____ | _____ |
| Carmalitha Lizandra Gumbs     | _____ | _____ |
| Helen Zenobia Willis          | _____ | _____ |
| Gertrude Naeema Gilyard       | _____ | _____ |
| Rosie Jackson                 | _____ | _____ |
| khalid kamau                  | _____ | _____ |
| Mark Baker                    | _____ | _____ |

THIS RESOLUTION adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2017. **CITY OF  
SOUTH FULTON, GEORGIA**

\_\_\_\_\_  
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

\_\_\_\_\_

\_\_\_\_\_, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_, INTERIM CITY ATTORNEY



**SUBJECT: CITY OF SOUTH FULTON OBSERVED HOLIDAYS**

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In general, it shall be the policy of the City of South Fulton to officially close, when possible, all offices on each of the following paid holidays during each year:

| <b>HOLIDAY</b>                         | <b>TYPICAL DATE OBSERVED</b> |
|----------------------------------------|------------------------------|
| New Year's Day                         | January 1                    |
| Dr. Martin Luther King, Jr.'s Birthday | Third Monday in January      |
| President's Day                        | Third Monday in February     |
| Memorial Day                           | Last Monday in May           |
| Independence Day                       | July 4                       |
| Labor Day                              | First Monday in September    |
| Columbus Day                           | Second Monday in October     |
| Veteran's Day                          | November 11                  |
| Thanksgiving Day                       | Fourth Thursday in November  |
| Day after Thanksgiving                 | Fourth Friday in November    |
| Christmas Eve                          | December 24                  |
| Christmas Day                          | December 25                  |
| New Year's Eve                         | December 31                  |



# **DIVIDER SHEET**

*City of South Fulton  
Salary Planning Worksheet  
Budget for the Calendar Year 2017 and 2018*

**Dept**  
**Director**

**Code Enforcement**  
**TBD (Community Development Services)**

|                                 |                                 | COSF                   |               |             |             |             |                    |               |
|---------------------------------|---------------------------------|------------------------|---------------|-------------|-------------|-------------|--------------------|---------------|
| FC Job Title                    | COSF Job Title                  | Fulton County Pay Band | COSF Pay Band | Minimum     | Midpoint    | Maximum     | Pay Range Position | Annual Salary |
| CODE ENFORCEMENT OFFICER II     | CODE ENFORCEMENT OFFICER II     | 13                     | 16            | \$37,266.58 | \$46,520.91 | \$55,775.23 | 91%                | \$54,146.00   |
| CODE ENFORCEMENT OFFICER II     | CODE ENFORCEMENT OFFICER II     | 13                     | 16            | \$37,266.58 | \$46,520.91 | \$55,775.23 | 95%                | \$54,916.00   |
| ADMINISTRATIVE TECHNICIAN       | ADMINISTRATIVE TECHNICIAN       | 8                      | 10            | \$31,210.17 | \$38,960.53 | \$46,710.88 | 24%                | \$34,900.00   |
| CODE ENFORCEMENT TEAM LEADER    | CODE ENFORCEMENT TEAM LEADER    | 14                     | 18            | \$39,536.12 | \$49,354.03 | \$59,171.95 | 37%                | \$46,781.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 78%                | \$50,109.00   |
| CODE ENFORCEMENT TEAM LEADER    | CODE ENFORCEMENT TEAM LEADER    | 14                     | 18            | \$39,536.12 | \$49,354.03 | \$59,171.95 | 74%                | \$54,146.00   |
| ENVIRONMENTAL COURT COORDINATOR | ENVIRONMENTAL COURT COORDINATOR | 16                     | 19            | \$41,512.92 | \$51,821.73 | \$62,130.54 | 65%                | \$55,006.00   |
| CODE ENFORCEMENT MANAGER        | CODE ENFORCEMENT MANAGER        | 21                     | 24            | \$54,495.95 | \$68,028.81 | \$81,561.67 | 23%                | \$60,754.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 59%                | \$46,697.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 32%                | \$42,013.00   |
| CODE ENFORCEMENT TEAM LEADER    | CODE ENFORCEMENT TEAM LEADER    | 14                     | 18            | \$39,536.12 | \$49,354.03 | \$59,171.95 | 4%                 | \$40,406.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 3%                 | \$36,669.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 3%                 | \$36,669.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 3%                 | \$36,669.00   |
| CODE ENFORCEMENT OFFICER II     | CODE ENFORCEMENT OFFICER II     | 13                     | 16            | \$37,266.58 | \$46,520.91 | \$55,775.23 | 8%                 | \$38,784.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 3%                 | \$36,669.00   |
| CODE ENFORCEMENT OFFICER I      | CODE ENFORCEMENT OFFICER I      | 12                     | 15            | \$36,181.15 | \$45,165.93 | \$54,150.71 | 3%                 | \$36,669.00   |

|             |                 |              |
|-------------|-----------------|--------------|
| Without Pay | Budget for 2018 | \$762,003.00 |
| Changes     | Budget for 2017 | \$127,000.50 |

DRAFT

| CITY OF SOUTH FULTON |              |              |              |        |                | FULTON COUNTY |         |         |         |                |                       |         |         |         |  |
|----------------------|--------------|--------------|--------------|--------|----------------|---------------|---------|---------|---------|----------------|-----------------------|---------|---------|---------|--|
| Pay                  |              |              |              | FLSA   | HOURLY<br>RATE |               |         |         |         | HOURLY<br>RATE |                       |         |         |         |  |
| Grade                | MIN          | MID          | MAX          | STATUS |                | Grade         | MIN     | MID     | MAX     |                | MEDICAL PROFESSIONALS |         |         |         |  |
| 1                    | \$23,920.00  | \$29,860.00  | \$35,800.00  | N      | \$11.50        | 1             | 20,561  | 25,702  | 30,842  | \$9.89         | 50                    | 84,411  | 92,853  | 109,736 |  |
| 2                    | \$24,637.60  | \$30,755.80  | \$36,874.00  | N      | \$11.85        | 2             | 22,154  | 27,692  | 33,231  | \$10.65        | 53                    | 101,705 | 111,875 | 132,216 |  |
| 3                    | \$25,376.73  | \$31,678.47  | \$37,980.22  | N      | \$12.20        | 3             | 23,746  | 29,683  | 35,619  | \$11.42        | 54                    | 111,587 | 122,745 | 145,063 |  |
| 4                    | \$26,138.03  | \$32,628.83  | \$39,119.63  | N      | \$12.57        | 4             | 25,339  | 31,674  | 38,008  | \$12.18        | 55                    | 121,468 | 133,616 | 157,909 |  |
| 5                    | \$26,922.17  | \$33,607.69  | \$40,293.22  | N      | \$12.94        | 5             | 26,931  | 33,664  | 40,397  | \$12.95        | 56                    | 131,350 | 144,485 | 170,755 |  |
| 6                    | \$27,729.84  | \$34,615.92  | \$41,502.01  | N      | \$13.33        | 6             | 28,524  | 35,655  | 42,786  | \$13.71        | 58                    | 151,113 | 166,225 | 196,447 |  |
| 7                    | \$28,561.73  | \$35,654.40  | \$42,747.07  | N      | \$13.73        | 7             | 30,116  | 37,646  | 45,175  | \$14.48        | 59                    | 160,995 | 177,094 | 209,294 |  |
| 8                    | \$29,418.58  | \$36,724.03  | \$44,029.48  | N      | \$14.14        | 8             | 31,709  | 39,636  | 47,563  | \$15.24        | 60                    | 170,877 | 187,965 | 222,140 |  |
| 9                    | \$30,301.14  | \$37,825.75  | \$45,350.37  | N      | \$14.57        | 9             | 32,068  | 40,085  | 48,102  | \$15.42        |                       |         |         |         |  |
| 10                   | \$31,210.17  | \$38,960.53  | \$46,710.88  | N      | \$15.00        | 10            | 33,602  | 42,002  | 50,402  | \$16.15        |                       |         |         |         |  |
| 11                   | \$32,146.48  | \$40,129.34  | \$48,112.21  | N      | \$15.46        | 11            | 35,135  | 43,919  | 52,703  | \$16.89        |                       |         |         |         |  |
| 12                   | \$33,110.87  | \$41,333.22  | \$49,555.57  | N      | \$15.92        | 12            | 36,669  | 45,836  | 55,003  | \$17.63        |                       |         |         |         |  |
| 13                   | \$34,104.20  | \$42,573.22  | \$51,042.24  | N      | \$16.40        | 13            | 38,202  | 47,753  | 57,303  | \$18.37        |                       |         |         |         |  |
| 14                   | \$35,127.33  | \$43,850.42  | \$52,573.51  | N      | \$16.89        | 14            | 39,736  | 49,670  | 59,604  | \$19.10        |                       |         |         |         |  |
| 15                   | \$36,181.15  | \$45,165.93  | \$54,150.71  | N      | \$17.39        | 15            | 41,269  | 51,587  | 61,904  | \$19.84        |                       |         |         |         |  |
| 16                   | \$37,266.58  | \$46,520.91  | \$55,775.23  | N      | \$17.92        | 16            | 42,803  | 53,504  | 64,204  | \$20.58        |                       |         |         |         |  |
| 17                   | \$38,384.58  | \$47,916.53  | \$57,448.49  | N      | \$18.45        | 17            | 44,336  | 55,421  | 66,505  | \$21.32        |                       |         |         |         |  |
| 18                   | \$39,536.12  | \$49,354.03  | \$59,171.95  | N      | \$19.01        | 18            | 45,870  | 57,338  | 68,805  | \$22.05        |                       |         |         |         |  |
| 19                   | \$41,512.92  | \$51,821.73  | \$62,130.54  | N      | \$19.96        | 19            | 50,939  | 61,126  | 76,408  | \$24.49        |                       |         |         |         |  |
| 20                   | \$43,588.57  | \$54,412.82  | \$65,237.07  | N      | \$20.96        | 20            | 54,398  | 65,278  | 81,597  | \$26.15        |                       |         |         |         |  |
| 21                   | \$45,768.00  | \$57,133.46  | \$68,498.92  | E      |                | 21            | 57,858  | 69,429  | 86,787  |                |                       |         |         |         |  |
| 22                   | \$48,056.40  | \$59,990.13  | \$71,923.87  | E      |                | 22            | 61,318  | 73,581  | 91,976  |                |                       |         |         |         |  |
| 23                   | \$50,459.22  | \$62,989.64  | \$75,520.06  | E      |                | 23            | 64,777  | 77,733  | 97,166  |                |                       |         |         |         |  |
| 24                   | \$54,495.95  | \$68,028.81  | \$81,561.67  | E      |                | 24            | 68,237  | 81,884  | 102,355 |                |                       |         |         |         |  |
| 25                   | \$58,855.63  | \$73,471.11  | \$88,086.60  | E      |                | 25            | 71,697  | 86,036  | 107,545 |                |                       |         |         |         |  |
| 26                   | \$63,564.08  | \$79,348.80  | \$95,133.53  | E      |                | 26            | 75,156  | 90,187  | 112,734 |                |                       |         |         |         |  |
| 27                   | \$68,649.21  | \$85,696.71  | \$102,744.21 | E      |                | 27            | 78,616  | 94,339  | 117,924 |                |                       |         |         |         |  |
| 28                   | \$74,141.14  | \$92,552.44  | \$110,963.75 | E      |                | 28            | 90,976  | 100,073 | 136,464 |                |                       |         |         |         |  |
| 29                   | \$80,072.43  | \$99,956.64  | \$119,840.85 | E      |                | 29            | 98,487  | 108,336 | 147,731 |                |                       |         |         |         |  |
| 30                   | \$86,478.23  | \$107,953.17 | \$129,428.12 | E      |                | 30            | 105,999 | 116,598 | 158,998 |                |                       |         |         |         |  |
| 31                   | \$93,396.49  | \$116,589.43 | \$139,782.37 | E      |                | 31            | 113,510 | 124,861 | 170,265 |                |                       |         |         |         |  |
| 32                   | \$100,868.20 | \$125,916.58 | \$150,964.95 | E      |                | 32            | 121,021 | 133,123 | 181,532 |                |                       |         |         |         |  |
| 33                   | \$108,937.66 | \$135,989.91 | \$163,042.15 | E      |                | 33            | 128,533 | 141,386 | 192,799 |                |                       |         |         |         |  |
| 34                   | \$117,652.67 | \$146,869.10 | \$176,085.52 | E      |                | 34            | 136,044 | 149,648 | 204,066 |                |                       |         |         |         |  |
| 35                   | \$127,064.89 | \$158,618.63 | \$190,172.37 | E      |                | 35            | 143,555 | 157,911 | 215,333 |                |                       |         |         |         |  |
| 36                   | \$137,230.08 | \$171,308.12 | \$205,386.15 | E      |                |               |         |         |         |                |                       |         |         |         |  |



# **DIVIDER SHEET**



July 7, 2017

Human Resource Department Recommendation

RE: National Search Police Chief & City Manager

Prepared by: Zina Cooper

**Subject:** Review of Options for Chief of Police and City Manager Recruitment, including approving a Request for Proposal to contract with a National Search Firm skilled in recruiting and placement of key executive level positions on the Local and Municipal Government levels.

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Discussion: At request of the Interim City Manager on June 28, 2017, the research process began to determine the best and most reliable means of conducting a National Search for two key positions in the City of South Fulton GA, City Manager and Chief of Police. As these two positions are integral to the success of the building of the new city, shaping of the culture of service and protection for the citizens of South Fulton; establishing practices, norms and community outreach; as well as leading and directing the development of public services; zoning, residential services and business development, the follow report is being prepared and recommended for Mayoral and City Council approval.

**The City Manager's role and responsibilities** for the City of South Fulton GA established in 2017 includes but is not limited to creating and establishing City operational services; providing and improving functional structure for City services; maintaining the staff of the City; operating at the appointment of the Mayor and at the pleasure of the City Council. This position must be able to enforce the City council's decisions by developing, delegating, enforcing and adhering to the policies and procedures established and approved by the Charter, ordinances and resolutions approved by the Mayor and City Council of the City of South Fulton.

**The Chief of Police serves in the City of South Fulton GA** as the leader of the police force for the City of South Fulton GA. Police services are currently provided by the Fulton County GA Police Department. The services provided are traditional community policing and law enforcement. The police department provides other services and programs such as traffic enforcement, special training in drug enforcement, Gang task force involvement and other programs as necessary to support the needs of the community. The Chief of Police will have the responsibility of ensuring future and appropriate staffing and training levels for the police department to meet the needs of the citizens of the City. As such, the Chief of Police must be experienced, trained and skilled at leading a police department servicing a community of approximately 100,000 citizens in a similar Urban US community with similar crime statistics and community policing needs.

As such the options for conducting search efforts to garner the level and skills required to set the City of South Fulton above and apart of other local communities and municipalities include utilizing internal Human Resources staff or utilizing the support and expertise of an external firm.

It is recommended by the Director of Human Resources that an external Recruitment and Search firm be contracted to conduct both executive level employment searches for the City of South Fulton GA.

Whereas, the present Human Resources staff for the City includes two administrative personnel. The current staff activities include the transition of existing Fulton County SSD personnel to City personnel; establishing and research benefit option; drafting and developing policies and procedures for the City; recruiting and staffing for all vacant positions as is determined through the transition process; along with the day to day employee relations activities to establish and maintain the culture and morale of the growing workforce. It is determined that the pros of cost savings do not outweigh the cons of inability to provide focused, attention and subject matter expertise to conduct the critical search independently on a National scale.

The attached RFP has been developed by the Director of Human Resources and reviewed by the City of South Fulton Legal Counsel with request that that it be approved and adopted as written to begin the review of proposals for service to recruit and present experienced candidates with successful backgrounds, knowledge and abilities to lead the City of South Fulton as City Manager and Chief of Police.

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Zina Cooper, BA, PHR, SHRM-CP

*Attachments:*

*RFP to provide City Manager and f of Police Recruitment Services to the City of South Fulton RFP#2017-001*



# **DIVIDER SHEET**



City of South Fulton - Georgia  
Office of the City Manger

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**City Manager's Report**  
**Week Ending - July 07, 2017**

July 7, 2017

Honorable Mayor and Council,

Below you find the Office of the City Manager's Weekly Report. This report is intended to provide you with weekly updates of high level task/works in progress from each respective division. Should you have further questions regarding the report, please do not hesitate to contact me directly.

Sincerely,

Ruth C. Jones  
Interim City Manger

####

**CITY MANAGER'S DIVISION**

1. Met with Mayor & City Council members for weekly standing meetings
2. Held a follow-up meeting with staff regarding new employees in the Planning Department
3. Attended and gave remarks at the first New Employee Orientation session
4. Met with Andrew Seawell – National Sign Plaza
5. Met with David Waters and Wayne Cooper
  - a. Supplemental Benefits
6. Met with Frank Milazi for weekly finance update
  - a. Business License Meeting
7. Met with Councilwoman Jackson, Councilwoman Gilyard and staff to discuss standards for condemning unsafe buildings

8. Met with Deputy Chief Halbert – Police Transition Discussion
9. Met with John Ross – Next Level Teams, Inc.
  - a. Introduction of company and services
10. In the process of reviewing resumes for:
  - a. Communications Director
  - b. Development Services Director

## **Under the Direction of the City Manager**

### **ASSISTANT TO THE CITY MANAGER**

1. Met with Todd Long - Transition of the Planning Department
2. Final meeting with vendor CivicsPlus for the city's website
  - a. Contract
  - b. Billing
  - c. Start Date
3. Attended weekly meeting to establish priorities with the Mayor and City Manager
  - a. Greystone discussion
  - b. 2018 Budget
  - c. Planning transition update
  - d. Election study
  - e. Work session agenda prep
4. Met with selected City Council Members
5. Met with Vendor Interdev regarding Planning Department Transition Implementation – July 3, 2017
  - a. P.C and Desktop Deployment
  - b. Telephone Installation
  - c. Email – Set up
  - d. Secured new cell phones
  - e. Discussed additional Server Specs and Configuration-
    - i. New City Email for Planning
    - ii. GIS - Solutions
    - iii. Planning – Data Dump & Conversion
    - iv. Backup – Disaster recovery
6. Submitting draft application materials and information related to the Georgia Department of Natural Resources

- a. Submitting draft application for City Manager's Review
    - i. Draft Application for participation in the National Flood Insurance Program
    - ii. Reviewing draft Resolution of Intent to Participate
    - iii. Reviewing the Model Flood Plain Management / Flood Damage Prevention Ordinance
- 7. Continue to manage the city's Facebook page
  - a. Manage Content
- 8. Continue to check the City's info email and checking voice mail daily
  - a. Returned Calls
  - b. Returned emails
- 9. Installed new copier for Planning Department
- 10. Issued new City badges
- 11. Met with Tange Johnson – DA's Office - Municipal Court Discussion
  - a. Use of DA's Community Court
  - b. Build out for Judge's Chambers, Solicitor's Office, Court Staff Suite
  - c. TimeLine
  - d. 2<sup>nd</sup> Site Visit planned
  - e. Technology Discussion
- 12. Met with Sally Wright, Roy Todd, Keith Campbell
  - a. Technology Meeting
  - b. City Date Rights
  - c. Assets Discussion
  - d. Project team designation
  - e. Communications Moving Forward
- 13. Met with Planning Leadership
  - a. Transition concerns
  - b. Edmonds installation
  - c. Public Notice Announcement

## **FINANCE DIVISION**

- 1. Work with financial software providers on:
  - a. Installation of credit card machine – front desk
  - b. Assisting Planning staff transitioning to new software

2. On-going meetings with department heads/representatives for detailed discussions for the 2018 budget preparation – had detailed discussions with Parks and Recreation administration team.
3. Opened General Fund savings account with BB&T.
4. Worked with the Office of Insurance and Safety Fire Commissioner for City's Insurance Premium revenues
5. Received our May 2017 LOST revenues from the Department of Revenues - \$1.8 million
6. Purchasing Manager Position interviews preparation.
7. Worked with Wine and Spirits Wholesalers of Georgia to get City's revenue share for doing business in the City of South Fulton.
8. Drafting financial policies and procedures including 2018 budget process calendar
9. Working with Fulton County Administration in making an offer to acquire gym equipment that is currently at 5440 Fulton industrial Blvd.
10. Working with Fulton County Administration and Finance Department to transition three employees from Fulton County Finance to City of south Fulton Finance ( 2 Business Tax Specialists and 1 Accounting Associate).
11. Working with vendors to find suitable Fleet services providers to the City of South Fulton.
12. Attended Mayor's weekly meeting

## **HUMAN RESOURCES DIVISION**

### **Recruitment**

1. Continuing to partner with vendor (PayChex) to implement the Recruiting and Applicant Tracking System (ATS). Estimated completion 2- 4 weeks.
2. Preparing interview and selection process for closing job advertisements
  - Developed interview review and scoring process
  - Developed interview questions
  - Scheduled Purchasing Manager interviews for Monday, July 10
3. Prepare job advertisements for future positions:
  - Information Technology- recommend job title TBD
4. Prepare recruitment strategy and recommendation for executive positions:
  - City Manager
  - Police Chief
5. Maintain current job advertisements

- Responding (thank you for applying...resume received, etc.) to each job applicant that applies using the employment@cityofsouthfultonga.gov email address
- Job Advertisements Update (refer to spreadsheet below)
- Jobs are advertised on GMA [www.glga.org](http://www.glga.org)

| Job Title                                         | Advertisin<br>g Date | Closing<br>Date | Number of<br>applicants<br>(as of<br>07/07/2017) | Comments                                                                                      |
|---------------------------------------------------|----------------------|-----------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------|
| COMMUNICATIONS<br>DIRECTOR                        | 5/19/2017            | 6/30/2017       | 27                                               | Reviewing resumes                                                                             |
| PURCHASING<br>MANAGER                             | 5/19/2017            | 6/30/2017       | 32                                               | Interviews scheduled 7/10/2017                                                                |
| DIRECTOR,<br>COMMUNITY<br>DEVELOPMENT<br>SERVICES | 6/6/2017             | 7/6/2017        | 18                                               | Reviewing Resumes                                                                             |
| PLANNER I                                         | 6/6/2017             | 7/6/2017        | 22                                               | Resumes sent to Interim City Manager<br>and Michelle Macauley, interim<br>Director for review |
| PLANNER II                                        | 6/6/2017             | 7/6/2017        | 12                                               | Resumes sent to Interim City Manager<br>and Michelle Macauley, interim<br>Director for review |
| CITY ENGINEER                                     | 6/6/2017             | 7/6/2017        | 5                                                | Resumes sent to Interim City Manager<br>and Michelle Macauley, interim<br>Director for review |
| SENIOR PLANNER                                    | 6/6/2017             | 7/6/2017        | 11                                               | Resumes sent to Interim City Manager<br>and Michelle Macauley, interim<br>Director for review |
| GIS SPECIALIST<br>SUPERVISOR                      | 6/19/2017            | 7/9/2017        | 5                                                |                                                                                               |
| PERMIT SPECIALIST                                 | 6/22/2017            | 7/8/2017        | 25                                               |                                                                                               |
| RISK MANAGER                                      | 6/22/2017            | 7/15/2017       | 5                                                |                                                                                               |
| ACCOUNTING<br>ASSOCIATE                           | 6/22/2017            | 7/8/2017        | 16                                               | Removed posting; current FC<br>employees are transitioning to COSF                            |
| BUSINESS TAX<br>INSPECTOR                         | 6/22/2017            | 7/8/2017        | 1                                                | Removed posting; current FC<br>employees are transitioning to COSF                            |
| BUSINESS TAX<br>SPECIALIST                        | 6/22/2017            | 7/8/2017        | 5                                                | Removed posting; current FC<br>employees are transitioning to COSF                            |

|                                     |            |          |   |  |
|-------------------------------------|------------|----------|---|--|
| EROSION & SOIL<br>CONTROL INSPECTOR | 06/30/2017 | 7/7/2017 | 2 |  |
|-------------------------------------|------------|----------|---|--|

## **Onboarding**

Phase One employee transition (Development Services) is complete. Employees attended the City's first New Employee Orientation on Wednesday, July 5 and received information about benefits, pay, and general HR related matters.

- Police Department, HR, and Michael Cuffee coordinated employee ID badging
- Received correspondence from City Attorney's Office regarding background check and fingerprinting; awaiting advisement on drug screenings
- Developing Phase Two Employee Transition Plan for Code Enforcement
  - Met with 17 of 18 Code Enforcement employees to discuss the August 1 transition and expectations
  - Creating a timeline for onboarding

## **Worker's Compensation**

Developing the City's worker's compensation programs which provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to employees who experience work-related injury or occupational disease.

- Researching vendors to provide worker's compensation coverage
- Call scheduled next week (Tuesday, July 11) with a vendor
- Researching Occupational Medicine facilities
- Coordinating with vendor (PayChex) on safety analysis and plan

## **Classification and Compensation Plan**

- Reviewing organizational charts to recommend the appropriate job classification, salary, and specification
  - Next presentation will be for Code Enforcement (transition date 08/01/2017)
- Preparing a recommendation for the City's Compensation Philosophy
- Preparing final recommendation for the City's comprehensive pay and class plan
- Final drafted plan recommendation will be shared on July 25, 2017

## **Employee Guidebook- Personnel Policies and Procedures**

- Reviewing Personnel Policies and Procedures of similar municipalities for final recommendation of the guidebook
- Policy will include recommendation of Merit System- Performance Management, Civil Service Status (Classified vs Unclassified), Probationary Periods
- Final drafted guidebook recommendation will be shared on July 25, 2017

## Benefits

- Meetings (in-person and conference calls) with benefit partners to finalize enrollment for new and transitioning employees
  - Onsite enrollment of benefits for employees was conducted during New Employee Orientation on Wednesday, July 5 at 3:00 pm
  - Benefit partners were onsite per the following schedule:

| New Employee Orientation                  | Onsite Schedule to Meet with Employees<br>( <i>partners are encouraged to visit at least one day, but welcome to be onsite all three days</i> ) |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Wednesday, July 5, 2017 at 3:00 - 4:00 pm | Wednesday, July 5 4:00 pm- 5:00 pm<br>Thursday, July 6- 10:00 am- 2:00 pm                                                                       |