



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

WORK SESSION MINUTES

5:00PM

The Work Session was called to order by Mayor Edwards at 5:00pm.

- 1. Review of the July 11, 2017 Regular Meeting Agenda**

Whereupon, City Attorney representative Kimberly Anderson began explaining the Resolutions and Ordinances.

- a. A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to move Res2017-031 (Additional 90 Day Zoning Moratorium on all Zoning**

Applications) to the Consent Agenda. The motion passed unanimously 7-0-0.

- b. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to move Ord2017-001 (Charter) to the Consent Agenda. The motion passed unanimously 7-0-0.
- c. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to move Ord2017-002 (Ordinance Adopting and Enacting a New Code of Ordinances for the City) to the Consent Agenda. The motion passed unanimously 7-0-0.
- d. A motion was made by Councilmember Willis and seconded by Councilmember Jackson to move Ord2017-003 (Ordinances Governing City Council Meetings) as amended below to the Consent Agenda:

Sec. 2-002. Presiding officer and rules for debate.

(k) Amendments. 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.

And

(s) Hiring of department heads. The city manager shall provide the mayor and council with the resumes of the top three (3) candidates.

The motion passed unanimously 7-0-0. Whereupon the City Attorney representative indicated that she neglected to introduce a recommended change to subsection (r).

- e. A motion was made by Councilmember Baker and seconded by Councilmember Gilyard to revise subsection (r) and request Counsel to provide a clearer explanation regarding when to confer with the City Attorney.

Councilmember khalid made a friendly amendment to strike subsection (r). The friendly amendment was accepted.

Councilmember Willis made a friendly amendment to establish an internal protocol for conferring with the City Attorney. The friendly amendment was not accepted. The motion was not voted upon.

- f. A motion was made by Councilmember khalid and seconded by Councilmember Jackson to rescind the previous motion d. The motion to rescind (motion d.) passed unanimously 7-0-0.
- g. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to move Ord2017-003 (Ordinances Governing City Council Meetings) as amended below to the Consent Agenda:

Sec. 2-002. Presiding officer and rules for debate.

(k) Amendments. 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.

(r) Request for legal opinion. The Attorney will establish a protocol to obtain a formal written legal opinion.

And

(s) Hiring of department heads. The city manager shall provide the mayor and council with the resumes of the top three (3) candidates.

A friendly amendment was made by Councilmember Gilyard to remove subsection (r) from the motion g. The friendly amendment was accepted to only amend subsections (k) and (s).

Motion g. passed unanimously 7-0-0, as amended.

- h. A motion was made by Councilmember Baker and seconded by Councilmember khalid to strike subsection (r) from Sec. 2-002, Ord2017-003. Councilmembers Jackson, Gilyard, khalid and Baker voted yea. Councilmembers Gumbs and Willis voted no. Therefore, the motion passed 4-3-0.**
- i. A motion was made by Councilmember Gilyard and seconded by Councilmember Gumbs to hold Ord2017-010 (Planning Commission). Councilmembers Gumbs, Willis, Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell voted no. Therefore, the motion passed 6-1-0.**
- j. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to move Ord2017-011 (Zoning Board of Appeals) to the Consent Agenda. Mayor Pro Tem Rowell, Councilmembers Willis, Gilyard, Jackson and Baker voted yea. Councilmembers Gumbs and khalid voted no. Therefore, the motion passed 5-2-0.**
- k. A motion was made by Councilmember khalid to change the name of the Board of Code Enforcement to the Board of Building Code Enforcement. The motion failed for a lack of a second.**
- l. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to move Ord2017-012 (Board of Code Enforcement) to the Consent Agenda. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Gilyard, Jackson and Baker voted yea. Councilmember khalid voted no. Therefore, the motion passed 6-1-0.**
- m. A motion was made by Councilmember Willis and seconded by Councilmember Jackson to move Ord2017-013 (Building Regulations) to the Consent Agenda. Mayor Pro Tem Rowell, Councilmembers Gumbs, Willis, Gilyard, Jackson and Baker voted yea. Councilmember khalid voted no. Therefore, the motion passed 6-1-0.**

- n. A motion was made by Councilmember khalid to offer a substitute Resolution for the Resolution submitted by staff (Res2017-032). The motion failed for a lack of a second.**
- o. A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to move Res2017-032 (Employee Holiday Calendar) presented by staff to the Consent Agenda “as is.” Mayor Pro Tem Rowell, Councilmembers Willis, Gilyard and Baker voted yea. Councilmembers Gumbs, Jackson and khalid voted no. Therefore, the motion passed 4-3-0.**
- p. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Jackson to accept the Pay & Scale for Code Enforcement as presented by HR and the City Manager. No vote was taken on the motion, since the item was for presentation only during the Work Session.**
- q. A motion was made by Councilmember Willis and seconded by Councilmember Baker to move the Recruitment Plans, Hiring Update and salaries to an Executive Session regarding Personnel. A friendly amendment was made by Councilmember Gilyard to discuss the methodology in public. The friendly amendment was accepted. The motion passed unanimously 7-0-0.**

Other discussion

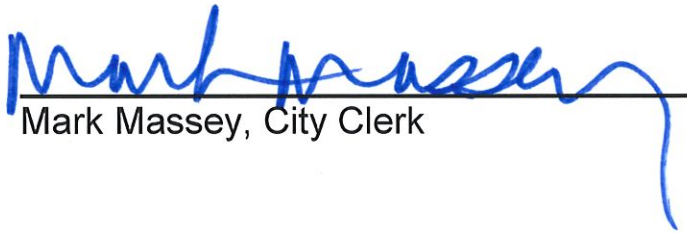
Whereupon Councilmember Baker presented a Resolution regarding Budgetary Controls for Members of the City Council.

- r. A motion was made by Councilmember Baker and seconded by Councilmember Jackson to place on the Consent Agenda Res2017-033 (Budgetary Controls for**

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**Members of the City Council) at a reduced rate (40%) for
fiscal year 2017. The motion passed unanimously 7-0-0.**

The Work Session was adjourned by Mayor Edwards at 6:40pm.



Mark Massey, City Clerk



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)

REGULAR MEETING MINUTES

1. Call to Order

The Regular Meeting was called to order by Mayor Edwards at 7:00pm. A quorum was present.

2. Invocation

The Invocation was rendered by Pastor Warren L. Henry, Chaplain.

3. Pledge of Allegiance

The Pledge was recited in unison.

4. Approval of the Consent Agenda

- a. Meeting Minutes – Tuesday, June 27, 2017**

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A motion was made by Councilmember Baker and seconded by Gilyard to approve the Consent Agenda as amended. The motion passed unanimously 7-0-0.

A motion was made by Councilmember Willis and seconded by Councilmember Jackson to move the hiring update (personnel related matters) to an Executive Session regarding Personnel. The motion passed unanimously 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Jackson and seconded by Baker to approve the Regular Meeting Agenda as amended. The motion passed unanimously 7-0-0.

6. Proclamations and Recognitions

- a. Proclamation recognizing Patrick & Ishtar Muhammad and Your Faith Farms Appreciation Day. **(Gilyard)**

Proclamation was 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 citizens offered public comment:

- **Georgia State Representative William Boddie, Jr. (Congratulations, Thank you, upcoming State Legislature)**
- **Dr. Debra Pearson (Residential Tree Ordinance regarding preservation)**
- **Mr. Donald Hindman (CSX trains that block crossings in District 7 and shutdown the community and emergency responders)**
- **Mr. Marcus Coleman (Family of Nikki Bolden, declaring Old National Day the day before Labor Day – Nikki Bolden/OldNat Day)**

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- Ms. Wanda Ibidapo (Regulation of the hours of operation for the Fulton County firing range at Wolf Creek to be more conducive and less detrimental to the community)
- Ms. Denise Hamb (Requested status of hearing the white papers from the 14 committees who compiled information and made recommendations under the Transition Commission; trash problems on Jones Road off Cedar Grove at South Fulton Parkway; thank you for the “under surveillance” signs)
- Mr. Kevin Marquez (Educator requesting help with programs for kids outside of school)
- Mr. Avon Spence (Concerned with trash and illegal dumping)
- Ms. Glenda Collins (Itemized monthly listing of salaries and benefits for employees, whether it will exceed the amount for the 5 months that have been budgeted, and presenting this information to the citizens)
- Ms. Pat Smith (Loch Lomond resident who is in limbo with respect to residency; applying for positions in the City of South Fulton if you live within the City of Atlanta)
- Ms. Robin Higginbotham (Homelessness issues)
- Mr. Preston Penn Sr. (Walden Park resident; Issues with semi-trucks and 18-wheelers, no trucks in residential areas)

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**). **[APPROVED UNDER THE CONSENT AGENDA]**

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

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Provide an Effective Date; and for Other Purposes
**(Ord2017-001, April 29, 2017); [APPROVED UNDER
THE CONSENT AGENDA]**

- ii. **[SECOND READING]** Ordinance to Adopt a Code of Ordinances for the City of South Fulton **(Ord2017-002, April 29, 2017); [APPROVED UNDER THE CONSENT AGENDA]**
- iii. **[SECOND READING]** Adoption of Ordinances Governing City Council Meetings - Operational Ordinances **(Ord2017-003, April 29, 2017); [APPROVED]**

A motion was made by Councilmember khalid to strike subsection (r). The motion was not seconded.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to approve Ord2017-003 (Ordinances Governing City Council Meetings) as amended/struck below:

Sec. 2-002. Presiding officer and rules for debate.

(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.~~

~~(r) Request for legal opinion. The Attorney will establish a protocol to obtain a formal written legal opinion.~~

And

(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.~~

The motion passed unanimously 7-0-0. Councilmember khalid expressed concerns.

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- iv. **[SECOND READING]** Adoption of Ordinance establishing the Planning Commission for the City of South Fulton **(Ord2017-010, June 27, 2017); [HELD]**
- v. **[SECOND READING]** Adoption of Ordinance establishing the Zoning Board of Appeals for the City of South Fulton **(Ord2017-011, June 27, 2017); [APPROVED UNDER THE CONSENT AGENDA]**
- vi. **[SECOND READING]** Adoption of Ordinance establishing the Board of Code Enforcement for the City of South Fulton **(Ord2017-012, June 27, 2017); [APPROVED UNDER THE CONSENT AGENDA]**
- vii. **[SECOND READING]** Adoption of Ordinance establishing Building Regulations **(Ord2017-013, June 27, 2017); and, [APPROVED UNDER THE CONSENT AGENDA]**
- 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 requirements for classifying construction based on building height **(Ord2017-014).**

Presented by City Attorney representative Kimberly Anderson for first reading.

At this point, the Mayor entertained a motion to approve the Consent Agenda. A motion was made by Councilmember Willis and seconded by Councilmember Jackson to approve the Consent Agenda. The motion passed unanimously 7-0-0.

c. Other Action Items

- i. Request approval of the Employee Holiday Calendar.
[APPROVED UNDER THE CONSENT AGENDA]

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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)**
- d. ADDED: Ms. Janai C. Walters **(Gilyard)**

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~~ REPLACED:
Ms. Amethyst Harris **(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)**

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to accept the slate of nominees. The motion passed unanimously.

d. Presentations & Discussions

- i. Code Enforcement - Pay & Class; and,

Presented by HR staff, Zina Cooper.

- ii. Recruitment Plans for Police Chief and City Manager.

Presented by HR staff, Zina Cooper. Councilmember Gumbs requested a cost analysis be included when the information is presented.

9. City Manager's Weekly Update

- a. Solid Waste Update

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b. Hiring Update

Presented by Interim City Manager Ruth C. Jones and City Manager staff, Michael Cuffee (Solid Waste update). Councilmember Willis requested a citywide survey. Councilmember Jackson indicated her interest to make sure that small business owners/haulers are not left out.

10. Other (New) Business

- a. Resolution to amend Fiscal Year 2017 Budget relating to Budgetary Controls for Members of the City Council (Res2017-033). [INTRODUCED DURING THE WORK SESSION, AND MOVED TO/APPROVED UNDER THE CONSENT AGENDA]**

11. Mayor and City Council Comments

All City Councilmembers and the Mayor made announcements or statements regarding activities in their respective districts or elsewhere in the City.

12. Executive Session (CLOSED), if necessary

Whereupon, Mayor Edwards recessed the meeting for Executive Session regarding Personnel at 8:29pm.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to close the meeting for an Executive Session regarding Personnel. Hearing no objection the Executive Session began.

A motion was made by Councilmember Baker and seconded by Mayor Pro Tem Rowell to close the Executive Session at 9:33pm. The motion passed unanimously 7-0-0.

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IN OPEN SESSION, THE RESULTS OF TWO MOTIONS MADE IN EXECUTIVE SESSION WERE ANNOUNCED:

A motion was made by Councilmember Jackson and seconded by Councilmember Baker to provide all City Councilmembers with a copy of the City Attorney's contract. The motion passed unanimously 7-0-0.

A motion was made by Councilmember Willis and seconded by Councilmember Baker to request each Councilmember to submit the name of an Attorney or a Judge to be appointed to a Judiciary Panel to vet names previously submitted by Council to be considered for the position of the Chief Judge of the Municipal Court. Once appointed, the Panel will shortlist the names and provide three (3) finalists back to the City Council for their consideration. The motion passed unanimously 7-0-0.

13. Adjournment

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to adjourn the meeting. The motion passed unanimously 7-0-0. And the meeting was adjourned at 9:40pm.


Mark Massey, City Clerk

City of South Fulton
City Hall
5440 Fulton Industrial Blvd SW

**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 Enforcement 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 Appeals 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 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) Except as provided in paragraph (2) of this Zoning Board of Appeals members may be removed by the City Council at any time.
- (2) Zoning Board of Appeals 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 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. The Board member nominated by the Mayor shall not vote unless there is a tie. A roll call vote shall be taken upon the request of any member.

Sec. 5-6005. - Secretary.

A City employee shall serve as the Secretary of the Zoning Board of Appeals. 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 30 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. - 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. 3-6011. - 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. 3-6012. - 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) *Writ of Certiorari.* 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. Service shall be as 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 July 12, 2017.

The foregoing Ordinance No. **2017-011** was offered by Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **Gilyard**, and being put to a vote, the result was as follows:

“SECOND READ”

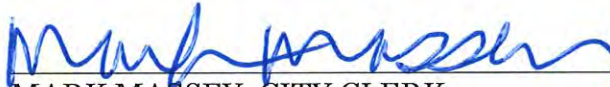
	AYE	NAY
William “Bill” Edwards, Mayor		
Catherine Foster Rowell, Mayor Pro Tem	✓	
Carmalitha Lizandra Gumbs	✓	
Helen Zenobia Willis	✓	
Gertrude Naeema Gilyard	✓	
Rosie Jackson	✓	
khalid kamau	✓	
Mark Baker	✓	

THIS ORDINANCE adopted this 11th day of July 2017. CITY OF
SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

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 this 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.

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 **Mayor Pro Tem Rowell**, who moved its approval. The motion was seconded by Councilmember **Willis**, and being put to a vote, the result was as follows:

“SECOND READ”

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

THIS ORDINANCE adopted this 11th day of July 2017. CITY OF
SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

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).
- (d) The City may also adopt its own standards by ordinance to be codified in this Title.
- (e) *Construction Classification and Building Height.* Any new building or structure designed or 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.

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 Code Enforcement Board, 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 Code Enforcement Board.

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 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, commercial, 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: Appeals of Decisions.

(a) *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 Code Enforcement Board:

- (1) 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.
- (2) The provisions of the construction codes do not apply to this specific case.
- (3) That an equally good or more desirable form of installation can be employed in any specific case.
- (4) The Building Official acted outside the scope in excess of his/her authority.
- (5) The Building Official advised his or her discretion or erred as a matter of law.

(b) All appeals must be filed with the City Clerk within 30 days of the decision for which an appeal is submitted. Appeals shall be in writing and notarized by the appealing party or a person representing the appealing party. The Code Enforcement Board may, through its policies and procedures, adopt additional requirements for appeals, including a form. Upon receipt of the Appeal, the City Clerk will stamp the appeal as received and forward the appeal to the Secretary of the Code Enforcement Board.

(c) *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.

Section 3-2010: 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.

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

Section 3-2004 of this Ordinance shall become effective upon the naming of a Building Official. Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be July 12, 2017.

The foregoing Ordinance No. **2017-013** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Jackson**, and being put to a vote, the result was as follows:

“SECOND READ”

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

THIS ORDINANCE adopted this 11th day of July 2017. CITY OF SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:


JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

RESOLUTION NO. 2017-031

**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 **Baker**, who moved its approval. The motion was seconded by Councilmember **Gilyard**, and being put to a vote, the result was as follows:

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

THIS RESOLUTION adopted this 11th day of July 2017. **CITY OF SOUTH FULTON, GEORGIA**



WILLIAM "BILL" EDWARDS, MAYOR

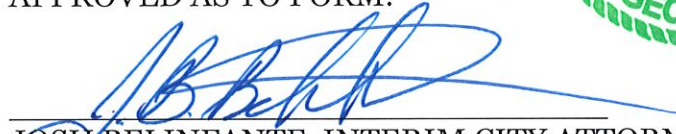
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

RESOLUTION NO. 2017-032

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.



SUBJECT: CITY OF SOUTH FULTON OBSERVED HOLIDAYS

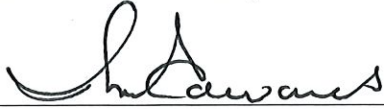
In general, it shall be the policy of the City of South Fulton to officially close, when possible, all offices on each of the following paid holidays during each year:

HOLIDAY	TYPICAL DATE OBSERVED
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

The foregoing Resolution No. **2017-032** was offered by Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **Gilyard**, and being put to a vote, the result was as follows:

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

THIS RESOLUTION adopted this 11th day of July 2017. CITY OF
SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY

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

RESOLUTION NO. 2017-033

**RESOLUTION TO AMEND FISCAL YEAR 2017 BUDGET RELATING TO
BUDGETARY CONTROLS FOR MEMBERS OF THE CITY COUNCIL**

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

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the "City Charter"), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, pursuant to O.C.G.A. § 36-81-3 and City Charter Sections 6.23-25, the City Council is authorized and required to establish an annual budget for each fiscal year;

WHEREAS, on June 13, 2017, the City Council passed Resolution 2017-025 to adopt the Fiscal Year 2017 Final Budget for each fund of the City, appropriating the amounts shown in each fund as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available, and for various other reasons (the "Fiscal Year 2017 Budget");

WHEREAS, pursuant to City Charter Section 6.27(c), the City Council is authorized to make changes in the appropriations contained in the Fiscal Year 2017 Budget;

WHEREAS, the Mayor and City Council wish to make changes to the Fiscal Year 2017 Budget to establish certain budgetary controls for the Mayor and City Councilmembers and the administration of their individual offices for the remaining fiscal 2017, as set forth herein.

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

1. With respect to staffing, the City Manager shall amend the Fiscal Year 2017 Budget and change the appropriations therein to allow the Mayor and each other City Councilmember sufficient funds, with respect to individual office expenses, to include furniture, equipment, postage and such other customary expenses of an office, up to \$18,120.
2. With respect to travel expenses, the City Manager shall amend the 2017 Fiscal Year Budget and change the appropriations therein to allow reimbursement for

the Mayor and each City Councilmember of an amount up to \$12,300 for Council-related business outside of the City, including professional conferences and conventions.

3. The Fiscal Year 2017 Budget shall be amended to reflect the creation and funding of separate office and travel expense accounts for the City Clerk.
4. This Resolution shall take effect when adopted, and all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

The foregoing Resolution No. **2017-033** was offered by Councilmember **Baker**, who moved its approval. The motion was seconded by Councilmember **Gilyard**, and being put to a vote, the result was as follows:

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

THIS RESOLUTION adopted this 11th day of July 2017. CITY OF
SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

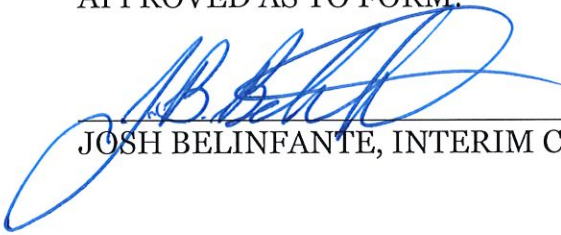
ATTEST:



MARK MASSEY, CITY CLERK



APPROVED AS TO FORM:



JOSH BELINFANTE, INTERIM CITY ATTORNEY