

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, July 10, 2018, 7:00 PM



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

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Consent Agenda
 - a. Meeting Minutes - Tuesday, June 26, 2018. (Work Session and Regular Meeting)
 - b. Request for approval of SWAT Purchase, up to \$52,000.00.
 - c. Resolution to adopt the Community Development Services Department's 2018-2019 Calendars for rezonings, use permits, modifications, and variances for the Mayor and Council of the City of South Fulton, Georgia to comply with the Georgia Open Meetings Act and for various other purposes. **(Res2018-041)**

5. Approval of the Regular Meeting Agenda

6. Public Comment

Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers. Please present your speaker card prior to the commencement of the public comment period.

7. Business

- a. Resolutions

- i. Resolution to amend the contract for the Chief Judge and authorizing the City Manager to execute the amended contract and for other lawful purposes. **(Res2018-042)**
 - ii. Resolution to appoint the Honorable Michael L. Sheridan as a Pro Tem Judge for the City of South Fulton Municipal Court and for other lawful purposes. **(Edwards - Res2018-043)**
- b. Ordinances
 - i. **[FIRST READING]** Ordinance amending Title 6, health and sanitation, of the City Code of Ordinances to address nuisance properties, protect neighboring property values and encourage economic development and for other lawful purposes. **(Rowell, Jackson and Willis - Ord2018-028)**
- c. Action Items
 - i. Request approval of the installation of a flashing warning beacon at the intersection of Butner Road at Stonelake Drive/Thames Road.
 - ii. Request approval of the local Government Facility Maintenance Agreement between the City of South Fulton and the Georgia Department of Transportation for the operation of a traffic signal at the intersection of Roosevelt Highway (US29) and Welcome All Road.
- 8. City Manager's Report
- 9. City Attorney's Report
- 10. Mayor and City Council Comments (Two minutes each)
- 11. Executive Session (CLOSED), if necessary
- 12. Adjournment



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Meeting Minutes - Tuesday, June 26, 2018 (Work Session & Regular)

DATE OF MEETING: 7/10/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Minutes_Combined2018_6_26 Meeting	Cover Memo	7/3/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, June 26, 2018, 5:00 PM



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

WORK SESSION MINUTES

1. Call to Order

Minutes:

Mayor Edwards thanked everyone for being in attendance. He then indicated that the meeting was going to be somewhat unusual, in that two Councilmembers will participate in the meeting via Skype. He requested the City Attorney to opine regarding whether or not this practice was legal and if the two members would be able to vote and be counted as part of the quorum. The City Attorney opined affirmatively.

The meeting was called to order by Mayor Edwards at 5:00pm. Following the roll call by the City Clerk, all five members (Edwards, Baker, Gumbs, Jackson and khalid) were present in the room and two members (Rowell and Willis) were present via Skype.

2. Discussion Items

a. Aerotropolis Atlanta Presentation - Shannon James, Chairman

Minutes:

Mr. James made a presentation regarding Aerotropolis Atlanta, followed by a question and answer period.

Councilmember Gilyard inquired regarding the different types of industries and where those industries would be located or concentrated. **Mr. James** indicated that

as the proposals or plans are presented, Aerotropolis would look at the landscape and attempt to target them appropriately, based on the specific circumstances and needs.

Councilmember Willis inquired regarding the cost as it relates to the City of South Fulton. Mr. James recommended and advised that \$5,000.00 gets the City on the Board but \$10,000.00 gets the City on the Executive Committee. She also inquired regarding using a regional land use plan. Mr. James indicated that land use, permitting and zoning are their concerns too and one aspect used by Aerotropolis is to make recommendations based on overall experiences in other similar areas. They are currently developing an impact study with the Tri-Cities area.

Councilmember Gumbs inquired about the College Park project and the length of time that it took to implement it. Mr. James indicated that it took about 10 months for 320 acres of land.

Councilmember Jackson asked what the cost would be for the City and what it provide or allow. Mr. James indicated that it is basically a membership with a seat on the Board. With City of South Fulton being a new city, he recommended an investment of \$5,000.00 for a seat on the Board which allows voting rights, marketing rights, and a chance to truly work with the Aerotropolis on economic development within the city.

The Mayor and Council thanked Mr. James for the presentation. He ended by providing his contact information for any further requests for information.

b. FY2019 Budget Presentation - Sharon Haynes, Budget Manager

Minutes:

Ms. Haynes made a presentation regarding the FY2019 Budget detailing the budget process and various responsibilities.

Councilmember khalid inquired about the revenue and departmental presentations. He further indicated that he wants the City to continue prioritizing Parks and Recreation.

Councilmember Gilyard requested to have a strategic plan first, she noted that the roles and responsibilities of the comptroller is not in the list, and she wants to know when the budget overview comes to the departments and how do they participate in the process. Ms. Haynes indicated that finance met with all department heads in a budget kick-off meeting in April 25th. She further provided that the comptroller's roll is to focus on the year-end audit and the operations of the finance department, and the budget manager handles the operations of the budget.

The City Manager spoke to the strategic plan and indicated he was working with the Carl Vinson Institute of Government to plan a one-day work session with council for the creation of a strategic plan.

Councilmember Gumbs requested the City Manager to explain the purpose of the 'Budget Open House'. He indicated this gives the public multiple opportunities to participate in the budget process.

Councilmember Rowell requested the City Manager take a look at including the department heads in the budget process because they will provide department needs as it relates to capital too.

c. FY2019 Tax Digest Recommendations - CFO Frank Milazi

Minutes:

Mr. Milazi made a presentation regarding the FY2019 Tax Digest. He indicated that this presentation is a precursor for a request regarding the Tax Digest that will come later, during the 7:00pm Regular Meeting agenda.

Mayor Edwards informed the public that this is a tentative budget and when it comes to millage rates, the city will not be able to increase the rate but they can decrease. The final/actual budget will be presented to the Council at a later date.

The City Manager indicated that today is the beginning of the budget process.

Councilmember Rowell stated that she noticed a significant decrease projected in the 2018 exemptions. She inquired whether the County will impose any tax levy for the SSD and she noticed that the 2019 projected budget has more expenditures. Mr. Milazi explained the adjustments and expenditures are being controlled. More explanations will be detailed during the various budget meetings.

3. Executive Session regarding personnel.

Motion (Recess): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

Yea: 5 Baker, Gilyard, Gumbs, Jackson, khalid

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to recess the work session to conduct an executive session for personnel and litigation. The motion passed.

4. Adjournment

Motion (Adjourn): Mayor Pro Tem Baker

Second: Councilmember Gumbs

[Motion Passed]

Yea: 4 Baker, Gilyard, Gumbs, Jackson

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

In open session, a motion was made to adjourn the executive session. The motion passed.

The work session adjourned at 7:15pm.

Mark Massey, City Clerk



DIVIDER SHEET

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, June 26, 2018, 7:00 PM



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

REGULAR MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 7:15pm. Following the roll call by the City Clerk, six members (Edwards, Baker, Gumbs, Gilyard, Jackson and khalid) were present in the room and two members (Rowell and Willis) were present via Skype.

Mayor Edwards recognized the following officials who were present in the audience:

- **Fulton County Board of Education District 6 member, Kimberly Dove; and,**
- **Former State Representative Virgil Fludd.**

Mayor Edwards also indicated that Councilmembers Rowell and Willis were away on City business, and they were able to participate in the meeting via Skype, as ruled by the City Attorney during the work session.

2. Invocation

Minutes:

The invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

Motion (Approve): Councilmember Jackson

Second: Councilmember Gilyard

[Motion Other]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

a. A motion was made to approve the consent agenda as amended (letters a. through f.), except letter g. (regarding Norred Security Agreement Agr2018-018) and move it to the Regular Meeting Agenda for separate consideration.

There was no vote taken on the motion.

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

b. A substitute motion was made to approve the consent agenda as amended (letters a. through f.), except letter g. (regarding Norred Security Agreement Agr2018-018) and move it to the Regular Meeting Agenda for separate consideration, and leaving the zoning cases on the agenda to allow the applicant and staff to present them prior to considering deferral requests. The motion passed unanimously.

- a. Meeting Minutes - Tuesday, June 5, 2018. (Work Session and Regular Meeting)
- b. Meeting Minutes - Tuesday, June 12, 2018. (Work Session and Regular Meeting)
- c. Proclamation - Jason "Poo Bear" Boyd Appreciation Day, June 14, 2018. **(Edwards)**
- d. Proclamation - Most Worshipful Prince Hall Grand Lodge and Prince Hall Grand Chapter Day, June 20, 2018. **(Edwards)**
- e. Resolution to adopt a meeting schedule for the Mayor and City Council of the City of South Fulton, Georgia, to comply with the Georgia Open Meetings Act, and for various other purposes. **(Res2018-039)**
- f. Request approval of GMA Agreement. **(Agr2018-017)**

g. Request approval of Norred Security Agreement. **(Agr2018-018)**

Motion (Approve as Amended): Councilmember Jackson
Second: Mayor Pro Tem Baker
[Motion Other]

Yea: 0
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

Later in the meeting:

a. A motion was made to approve as amended the Norred Security Agreement (Agr2018-18), to add Burdett Park to the list.

There was no vote taken on the motion.

Councilmember Rowell inquired regarding the cost of the agreement.

Motion (Approve as Amended): Mayor Pro Tem Baker
Second: Councilmember Gumbs
[Motion Passed]

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

Minutes:

b. A substitute motion was made to approve as amended the Norred Security Agreement (Agr2018-018), to include Burdett Park and stipulated to not exceed the allocated budget for such services. The motion passed unanimously.

5. Approval of the Regular Meeting Agenda

Motion (Approve as Amended): Councilmember Jackson
Second: Councilmember Gilyard
[Motion Other]

Yea: 0
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

a. A motion was made to approve as amended by moving the Norred Security Agreement to the Regular Meeting Agenda.

The City Manager and Staff requested removal of deferred zoning cases. Zoning cases will be left on the agenda to allow the applicant and staff to present them prior to considering deferral requests.

There was no vote taken on the motion.

Motion (Approve as Amended): Councilmember Gumbs
Second: Councilmember Gilyard
[Motion Passed]

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

Minutes:

b. A substitute motion was made to approve as amended the Regular Meeting Agenda, to include the Norred Security Agreement Agr2018-018. The motion passed unanimously.

6. Proclamations and Recognitions

- a. Proclamation - Kemery C. Oparah Appreciation Day. **(Gilyard)**

Minutes:

PRESENTED

- b. Proclamation - Restoration Community Resources Appreciation Day. **(Baker)**

Minutes:

PRESENTED

7. Public Comment

Minutes:

The following speakers offered public comment:

- **Mr. Andre M. Danzy - most concerns were addressed by the Interim Chief of Police prior to his public comment, and he is concerned with youth being out after curfew.**
 - **Ms. Glenda Collins - concerned with being asked to leave zoning meetings with staff. Doors should be left open.**
 - **Ms. Lavon Morris-Grant - needs statistical information regarding domestic violence incidences within the City. Information will assist with securing grants and she encouraged referrals to her organization (MACOSH Healing Network).**
-

8. Business

- a. Rezoning, Modifications, Variances (Public Hearings)

- i. **Request for Modification - M18-003 Applicant. (District 7)**
Modification to replace previously approved 20 single-family and 302 multifamily dwelling units with 216 townhouses, and increase the minimum heated floor area per unit to 1,100 square feet at the Renaissance at South Park subdivision by Rocklyn Homes, Inc.

Motion (Defer): Mayor Pro Tem Baker

Second: Councilmember Willis

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff presented M18-003. There was a recommendation from Council to hear the case but defer to a later date.

The Applicant, Mr. Pete Hendricks, spoke briefly concerning the modification. He asked what the issues are for requesting the deferral, so that he can address them during the deferral. Mayor Pro Tem Baker indicated he will provide Mr. Hendricks with information that residents have given him.

A motion was made to defer M18-003 to the next zoning agenda on July 24, 2018. The motion passed unanimously.

- ii. **Request for rezoning - Z18-004 Applicant. (District 1)**
Rezoning from MIX with conditions to C-1 at 1180 Utoy Springs Road.

Motion (Defer): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Staff presented Z18-004 and indicated that the Applicant requested a deferral. Residents have asked the Applicant to conduct a traffic study and the Applicant has agreed.

A motion was made to defer Z18-004 to the next zoning agenda on July 24, 2018. The motion passed unanimously.

- iii. **Request for rezoning - Z18-006 Applicant. (District 4)**
Rezoning from R-3 with conditions to R-5A on Jones Road (Parcel ID 07050001430263)

Motion (Defer): Councilmember Gilyard

Second: Councilmember Jackson

[Motion Approved]

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

Minutes:

Staff presented Z18-006.

The Applicant is willing to accept a deferral to the next zoning agenda to address a list of conditions and to meet with the appropriate surrounding neighbors.

Councilmember Gilyard requested the deferral of Z18-006 to allow the Applicant an opportunity to meet with the homeowner that lives immediately next to the subdivision and the Cedar Grove Community Association to address a list of conditions submitted by staff.

A motion was made to defer Z18-006 to the next zoning agenda on July 24, 2018. The motion passed unanimously.

b. Agreements

i. Request approval of Animal Control IGA. **(Agr2018-019)**

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Passed]

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

Minutes:

a. Councilmember Gilyard stated that the current budget is \$987,000, which includes the County's cost. The amount has decreased to \$857,450. She then requested if they are voting on continuing the contract at the current cost or is there a different cost.

The City Manager indicated they are voting on the contract of \$850,000 discussed at the last Council Meeting which is inclusive of all related costs, including the County's indirect cost. The caveat is that the IGA can be terminated by either side at any time. He recommended moving forward without any interruption of services.

A motion was made to approve the Animal Control IGA with Fulton County. The motion passed unanimously.

Motion (Previous Question): Councilmember Willis

Second:

[Motion Other]

Yea: 0
Nay: 0
Abstain: 0

Not Voting: 0

Minutes:

b. A motion was made by Councilmember Willis to call the previous question. The Mayor advised that there was no further debate requested.

The motion was rescinded.

c. Ordinances

- i. **[SECOND READING]** Ordinance establishing the compensation structure for the Chief Judge of the Municipal Court, the compensation structure for additional Judges for the Municipal Court, and for other lawful purposes. **(Ord2018-027)**

Motion (Approve as Amended): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve Ord2018-027 with amendments to Sec. 7-1002(a) - Judges, to read as follows " (1) Compensation for the Chief Judge shall be fixed as follows: a. The part-time Chief Judge shall be compensated one hundred, thirty-five thousand dollars (\$135,000.00) for four days, Monday through Thursday"; amend item b. to eliminate the words Chief Judge and say the Pro Tem Judges shall also be compensated for Friday and Saturday and as needed; delete items c. and (2), pertaining limiting the ability of the Chief Judge to preside and the manner all other Judges shall be compensated. The motion passed as amended.

d. Discussion Items

- i. 2018 Tax Digest Memo. (City Manager)

Motion (Approve): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to accept/approve the City Manager's 2018 Tax Digest recommendation. The motion passed unanimously.

- ii. Discussion on Council Training and Special Workshop. **(Jackson)**

Motion (Approve): Councilmember Jackson

Second: Mayor Pro Tem Baker
[Motion Passed]

Yea: 5 Baker, Gilyard, Gumbs, Jackson, Rowell
Nay: 1 Willis
Abstain: 0
Not Voting: 1 khalid

Minutes:

A motion was made to approve a 5-hour Council training and development workshop. The workshop would be presented by Fincher Denmark LLC with a refresher on Roberts Rules of Order, Open Meetings Act and Open Records Act compliance, a focus session on municipal economic development, property redevelopment and revenue enhancement opportunities. The motion passed.

The City Manager indicated that other firms are interested in presenting information to the Council. A combined training session was recommended with a different workshop for Roberts Rules of Order and then a workshop on economic development.

The City Attorney stated that she would collaborate with the City Manager to bring on board any other economic development opportunities and training.

Motion (Previous Question): Councilmember Jackson
Second: Mayor Pro Tem Baker
[Motion Passed]

Yea: 4 Baker, Gilyard, Gumbs, Jackson
Nay: 0
Abstain: 0
Not Voting: 1 khalid

Minutes:

b. A motion was made to call (move) the previous question. The motion passed.

9. City Manager's Report

a. Monthly Report to Elected Officials - May 2018

Minutes:

The City Manager gave an overview of recent developments at City Hall including the parks transition as moving forward, the hiring of 6 new police officers and the purchase of 5 new police cars, the 2nd Mayor's Walk tomorrow, June 27th, and the budget open house.

Councilmember Gilyard requested a breakdown of the over 400 residential permits, where they are, what type of permits, residents or developers. The City Manager indicated that could possibly be done on a quarterly rather than monthly basis, but he would get back to her with an answer during his next reporting session.

Councilmember Willis requested a monthly update on new hires during his monthly report. The City Manager indicated that Council already received such a report based off of their priorities.

Councilmember Willis indicated the Mayor had requested and Council made a motion for the City Attorney to provide a report which included a listing of all legislation and ordinances in her queue, date requested, who authored, timing of the ordinance. She would like the timing of when the report will be ready. The City Manager responded that he is working with the City Attorney to produce the report.

10. City Attorney's Report

Minutes:

The City Attorney indicated that she plans to bring other members of her firm to the next meeting to introduce them to Council. She will update the Council on items in the queue. A proposed calendar of presenting the items will be available at the next meeting.

She updated the Council on the Cowart Lakes Ventures. A meeting was held with Fulton County concerning a tree ordinance. She recommends a tree ordinance for the City. Previously, there was an agreement with Cowart Lakes Ventures and Fulton County to design a trail. Mayor Edwards informed the City Attorney of the arrangement made during his tenure at Fulton County, as it related to the 1-mile trail instead of sidewalks.

Mayor Edwards asked the City Attorney the status of the shooting range (Tom Lowe Shooting Range). She indicated that she made substantial revisions to proposal and she is waiting for a response back from the County.

Councilmember Gumbs indicated that the trail has not been taken care of. Attorney Walker recommended the City send their own representative out to make an assessment of the trail.

Councilmember Gilyard requested information on how the City is taking care of the trees, since the Arborist resigned in early March. The City Manager indicated that the City Engineer currently reviews enforcement of the City Tree Ordinance.

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

Minutes:

All Councilmembers gave information on events within their respective districts. The Mayor applauded all Councilmembers on the work being done in each district. He acknowledged Judge Sellers for being elected District Representative by the Georgia Council on Municipal Courts. He also invited everyone out for the Mayor's Walk tomorrow.

12. Executive Session (CLOSED), if necessary

Minutes:

No executive session was held.

13. Adjournment

Motion (Adjourn): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

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

The meeting adjourned at 9:15pm.

Mark Massey, City Clerk



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Request for Approval of SWAT Purchase

DATE OF MEETING: 7/10/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
SWAT Decision Memo	Cover Memo	7/3/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

DECISION MEMO

TO: Odie Donald II
City Manager

THROUGH: Renardo Paschal
Records Administrator

FROM: Sheila Rogers 
Interim Chief of Police

DATE: July 2, 2018

SUBJECT: Purchase Approval

Background:

The South Fulton Police Department Specialized Weapons and Tactical Response (S.W.A.T.) is requesting the purchase of the protective gear for responding to SWAT related incidents, serving high-risk warrants and training. This will provide extra protection for the potentially dangerous incidents which occur during the police department responses for service. Since March 26, 2018, the South Fulton Police Department has responded to 9 callouts involving barricaded armed suspects. This gear could prevent serious injury or death to the specialized units.

Decision Needed:

Description of decision needed and date needed by:

- Authorization to purchase equipment and uniforms for 20 officers at the total of \$51,503.40

Decision: **Approved** ☐ **Disapproved** ☐

Comments:

Signature

Date



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-041 2018-2019 Community Development Calendars

DATE OF MEETING: 7/10/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-041 2018-2019 Community Development Calendar	Cover Memo	7/3/2018

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2018-041

RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT'S 2018-2019 CALENDARS FOR REZONINGS, USE PERMITS, MODIFICATIONS, AND VARIANCES FOR THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA TO COMPLY WITH THE GEORGIA OPEN MEETINGS ACT AND FOR VARIOUS OTHER PURPOSES.

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

WHEREAS, the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 *et seq.*) requires and encourages public notice to constituents for meetings of their government; and

WHEREAS, the Mayor and City Council have reviewed and wish to adopt the 2018-2019 Zoning Meeting Schedule, effective July 1, 2018 through September 30, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City as follows:

1. **Adoption of a Meeting Schedule.** That the Final 2018-2019 Meeting Schedule attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Meeting Schedule for the City of South Fulton, Georgia for the 2018-2019 Zoning Meeting Schedule, effective July 1, 2018 through September 30, 2019.
2. **Full Force and Effect.** That this Resolution shall be and remain in full force and effect from and after its date of adoption.
3. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
4. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. **2018-041** was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the results for approval are as follows:

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

THIS RESOLUTION adopted this _____ day of _____ 2018.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON, GEORGIA

2018-2019 REZONING/USE PERMIT SCHEDULE

FILING DEADLINE DATE	COMMUNITY ZONING INFORMATION MEETING (CZIM)	PUBLIC PARTICIPATION REPORT DUE	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	PLANNING COMMISSION (PC) HEARING	MAYOR & COUNCIL (MC) HEARING
July 25, 2018	August 2, 2018	August 23, 2018	August 28, 2018	September 18, 2018	October 23, 2018
August 29, 2018	September 13, 2018	September 20, 2018	September 25, 2018	October 16, 2018	November 27, 2018
October 24, 2018	November 8, 2018	November 15, 2018	November 27, 2018	December 18, 2018	January 22, 2019
November 28, 2018	December 6, 2018	December 13, 2018	December 25, 2018	January 15, 2019	February 26, 2019
December 19, 2018	January 3, 2019	January 24, 2019	January 29, 2019	February 19, 2019	March 26, 2019
January 23, 2019	February 7, 2019	February 21, 2019	February 26, 2019	March 19, 2019	April 23, 2019
February 27, 2019	March 7, 2019	March 18, 2019	March 26, 2019	April 16, 2019	May 28, 2019
March 27, 2019	April 4, 2019	April 18, 2019	April 30, 2019	May 21, 2019	June 25, 2019
April 24, 2019	May 9, 2019	May 20, 2019	May 28, 2019	June 18, 2019	July 23, 2019
May 29, 2019	June 6, 2019	June 20, 2019	June 25, 2019	July 16, 2019	August 27, 2019
June 26, 2019	July 11, 2019	July 18, 2019	July 30, 2019	August 20, 2019	September. 24, 2019

THE **CZIM** BEGINS AT **6:00 P.M.** AT THE SOUTH FULTON CITY HALL (5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GA 30336)

PC HEARINGS BEGINS AT **6:30 P.M.** AT THE SOUTH FULTON SERVICE CENTER (5600 STONEWALL TELL ROAD, COLLEGE PARK, GA 30349)

MC HEARINGS BEGINS AT **7:00 P.M.** AT THE SOUTH FULTON SERVICE CENTER (5600 STONEWALL TELL ROAD, COLLEGE PARK, GA 30349)

NOTES: DATES ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED.

FOR THE MOST CURRENT ZONING INFORMATION, PLEASE VISIT THE SOUTH FULTON ZONING PAGE:
www.cityofsouthfultonga.gov/2161/Planning-Zoning



CITY OF SOUTH FULTON, GEORGIA

2018-2019 ZONING MODIFICATION SCHEDULE

FILING DEADLINE DATE	COMMUNITY ZONING INFORMATION MEETING (CZIM)	PUBLIC PARTICIPATION PLAN REPORT DUE	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	MAYOR AND COUNCIL (MC) HEARING
July 25, 2018	August 2, 2018	August 23, 2018	September 4, 2018	September 25, 2018
August 29, 2018	September 13, 2018	September 20, 2018	October 2, 2018	October 23, 2018
September 26, 2018	November 8, 2018	October 22, 2018	November 6, 2018	November 27, 2018
November 28, 2018	December 6, 2018	December 13, 2018	January 1, 2019	January 22, 2019
December 19, 2018	January 3, 2019	January 24, 2019	February 5, 2019	February 26, 2019
January 23, 2019	February 7, 2019	February 21, 2019	March 5, 2019	March 26, 2019
February 27, 2019	March 7, 2019	March 18, 2019	April 2, 2019	April 23, 2019
March 27, 2019	April 4, 2019	April 18, 2019	May 7, 2019	May 28, 2019
April 24, 2019	May 9, 2019	May 20, 2019	June 4, 2019	June 25, 2019
May 29, 2019	June 6, 2019	June 20, 2019	July 2, 2019	July 23, 2019
June 26, 2019	July 11, 2019	July 18, 2019	August 6, 2019	August 27, 2019

THE **CZIM** BEGINS AT **6:00 P.M.** AT THE SOUTH FULTON CITY HALL (5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GA 30336)

MC HEARINGS BEGINS AT **7:00 P.M.** AT THE SOUTH FULTON SERVICE CENTER (5600 STONEWALL TELL ROAD, COLLEGE PARK, GA 30349)

NOTES: DATES ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED.

FOR THE MOST CURRENT ZONING INFORMATION, PLEASE VISIT THE SOUTH FULTON ZONING PAGE:

www.cityofsouthfultonga.gov/2161/Planning-Zoning



CITY OF SOUTH FULTON, GEORGIA

2018-2019 VARIANCE SCHEDULE

FILING DEADLINE DATE	PUBLIC PARTICIPATION PLAN REPORT DUE	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	ZONING BOARD APPEALS (ZBA) HEARING
July 25, 2018	August 23, 2018	August 30, 2018	September 20, 2018
August 29, 2018	September 20, 2018	September 27, 2018	October 18, 2018
September 26, 2018	October 22, 2018	October 25, 2018	November 15, 2018
October 24, 2018	November 15, 2018	November 22, 2018	December 13, 2018
November 28, 2018	December 13, 2018	December 20, 2018	January 10, 2019
December 19, 2018	January 24, 2019	January 31, 2019	February 21, 2019
January 23, 2019	February 21, 2019	February 28, 2019	March 21, 2019
February 27, 2019	March 18, 2019	March 21, 2019	April 1, 2019
March 27, 2019	April 18, 2019	April 25, 2019	May 16, 2019
April 24, 2019	May 20, 2019	May 23, 2019	June 13, 2019
May 29, 2019	June 20, 2019	June 27, 2019	July 18, 2019
June 26, 2019	July 18, 2019	July 25, 2019	August 15, 2019

ZBA HEARINGS BEGINS AT **1:00 P.M.** AT THE SOUTH FULTON SERVICE CENTER (5600 STONEWALL TELL ROAD, COLLEGE PARK, GA 30349)

NOTES: DATES ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED.

FOR THE MOST CURRENT ZONING INFORMATION, PLEASE VISIT THE SOUTH FULTON ZONING PAGE:

www.cityofsouthfultonga.gov/2161/Planning-Zoning



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-042 Chief Judge Amended Contract

DATE OF MEETING: 7/10/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-042 Chief Judge Amended Contract	Cover Memo	7/5/2018



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM COVER SHEET



SUBJECT: Resolution Authorizing City Manager to Execute Am. Chief Work Session ()
Judge Contract **Regular Session (X)**

DATE OF MEETING: July 10, 2018

Recommendation ()
Policy/Discussion ()

BUDGET IMPACT:

Report ()

FUNDING SOURCE

Other ()

() Annual

() Capital

() N/A

CITY ACTION REQUESTED ON:

HISTORY, FACTS AND ISSUES:

This attached Resolution Authorizes the City Manager to Execute the Amended Contract, which is also attached, between Chief Judge Tiffany Carter Sellers and The City of South Fulton, GA to align Judge Sellers's contract with the provisions with Ordinance 2018-027.

OPTIONS:

RECOMMENDED ACTION: Approval

DEPARTMENT: Municipal Court

DEPARTMENT HEAD: Chief Judge Tiffany C. Sellers

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

City Manager

Action Taken By Council: _____

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

5
6 **RESOLUTION NO. 2018-042**
7

8 **A RESOLUTION TO AMEND THE CONTRACT FOR THE CHIEF JUDGE AND**
9 **AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED CONTRACT**
10 **AND FOR OTHER LAWFUL PURPOSES**
11

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

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

16 **WHEREAS**, the City Council is authorized and has authorized the delegation of
17 the execution of contracts to the City Manager;

18 **WHEREAS**, the Chief Judge presides over the city's Municipal Court, as set forth
19 in the city charter, and is responsible for the overall administration of the city's Municipal
20 Court, including overseeing the daily operations, personnel, budget, and logistics for the
21 city's Municipal Court;

22 **WHEREAS**, this ordinance will help to ensure and preserve the health, safety and
23 welfare of the City and public.
24

25 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY RESOLVES:**
26

- 27 1. The City Manager is hereby authorized to execute the Agreement to provide chief
28 Judge services between Tiffany Carter Sellers, Esq. and the City of South Fulton,
29 a copy of which is attached hereto as "Exhibit 1;"
30 2. All previous contracts between the City and Tiffany Carter Sellers and/or her
31 successors, agents or assigns hereby terminates on 11:59 p.m. on June 30, 2018.
32 3. In the event any portion of this resolution shall be declared or adjudged invalid or
33 unconstitutional, it is the intention of the City Council of the City of South Fulton,
34 Georgia, that such adjudication shall in no manner affect the other sections,
35 sentences, clauses or phrases of this ordinance which shall remain in full force
36 and effect, as if the invalid or unconstitutional section, sentence, clause or phrase
37 were not originally a part of the ordinance.
38
39 4. All resolutions and parts of resolutions in conflict with this resolution are hereby
40 repealed.
41
42

43
44 The foregoing RESOLUTION No. **2018-042**, adopted on _____ was
45 offered by Councilmember _____, who moved its approval. The motion
46 was seconded by Councilmember _____, and being put to a vote, the result
47 was as follows:
48
49

	AYE	NAY
50		
51 William "Bill" Edwards, Mayor	_____	_____
52 Mark Baker, Mayor Pro Tem	_____	_____
53 Catherine Foster Rowell	_____	_____
54 Carmalitha Lizandra Gumbs	_____	_____
55 Helen Zenobia Willis	_____	_____
56 Gertrude Naeema Gilyard	_____	_____
57 Rosie Jackson	_____	_____
58 khalid kamau	_____	_____

59
60
61

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

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

AGREEMENT

This Agreement is made and entered into by and between **City of South Fulton, Georgia** (hereinafter referred to as the “City”), and **Tiffany Carter Sellers** (hereinafter referred to as “Sellers” or “Chief Judge”), **to provide for the engagement of Sellers as an independent contractor to serve as the Chief Judge for the City of South Fulton Municipal Court**, and to set forth the terms and conditions of the Agreement, including the mutual obligations, rights and duties of each party.

In consideration of the mutual promises as set forth in this Agreement, the City and Sellers agree as follows:

SECTION 1: DUTIES.

The City agrees to engage Sellers as an independent contractor to serve as Chief Judge of the Municipal Court for the City of South Fulton and to perform the functions and duties as specified in Article V of the City of South Fulton Charter and the Code of the City of South Fulton, Georgia, as may be amended from time to time. The Chief Judge may, at her discretion, work with the City's finance and grant departments to facilitate the procurement of grants impacting the Municipal Court.

SECTION 2: TERM.

This Agreement shall become effective on July 1, 2018, and shall null, void and replace all other agreements between the parties for Chief Judge services. This Agreement shall continue through December 31, 2021, coincident with the term of the Mayor as prescribed by Section 5.11(d) of the City Charter. The Chief Judge may resign

her position with the City upon giving forty-five (45) days written notice in advance, unless the parties otherwise agree. The City may terminate this Agreement and remove the Chief Judge from her position for cause in accordance with Section 5.11(d) of the City Charter.

SECTION 3: PAYMENT FOR SERVICES RENDERED

Beginning July 1, 2018, the City agrees to pay the Chief Judge for her services rendered at the rate of an annual base salary of One Hundred Thirty-Five Thousand Dollars and no Cents (\$135,000.00), as set forth in Ordinance No. 2018-027, payable in twelve (12) equal monthly installments of Eleven Thousand Two Hundred Fifty Dollars and No Cents (\$11,250.00) on the first business day of each month. Payment is subject to annual appropriations in the City Budget and compensation for the Chief Judge may be modified by the City Council in accordance with Section 5.11(c) of the City Charter.

Payment should be made electronically, via electronic funds transfer, direct deposit or any other electronic means, except for the Chief Judge's initial monthly payment under this Agreement, which may be made by check.

SECTION 4: HOURS OF WORK AND BENEFITS.

The position of Chief Judge of the Municipal Court for the City of South Fulton is a part-time position pursuant to Section 5.11(c) of the City Charter. The Chief Judge shall work the number of hours reasonably required to discharge the duties and responsibilities of Chief Judge of the Municipal Court for the City of South Fulton, but no less than four (4) days of at least seven (7) hours per week, Monday through Thursday.

As an independent contractor, the Chief Judge shall not be entitled to any overtime pay or compensatory time off for any hours worked in excess of forty (40) hours per week. The Chief Judge shall not be entitled to any benefits pursuant to her position with the City. The Chief Judge shall be exempt from the provisions of the Fair Labor Standards Act. The Chief Judge may engage in the private practice of law.

SECTION 5: PROFESSIONAL DUES.

The City agrees to budget and to pay the professional dues of the Chief Judge necessary for her participation in associations and organizations approved by City Council.

SECTION 6: PROFESSIONAL DEVELOPMENT.

A. The City agrees to budget and to pay the travel and subsistence expenses of the Chief Judge for professional and official travel (other than daily commuting), meetings, and occasions adequate to continue the professional development of the Chief Judge, including but not limited to, professional conferences.

B. The City Council also agrees to budget and to pay for the travel and subsistence expenses of the Chief Judge for short courses, institutes, and seminars that are necessary for her professional development and for the good of the City, as determined by the City Council in its discretion.

SECTION 7: INDEMNIFICATION.

Excluding actions by the Chief Judge involving willful malfeasance or intentional misconduct, the City shall defend, save harmless, and indemnify the Chief Judge against any tort, professional liability claim or demand or other legal action, whether groundless

or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Chief Judge of the Municipal Court, to the same extent the Mayor and members of the City Council are so covered and indemnified. The City and its insurer will have the right to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 8: BONDING.

The City shall bear the full cost of any fidelity or other bonds required of the Chief Judge under any law or ordinance.

SECTION 9: OTHER TERMS AND CONDITIONS OF SERVICE.

A. The City Council, in consultation with the Chief Judge, shall fix any such other terms and conditions of her continued service as Chief Judge, as it may determine from time to time, relating to the performance of the Chief Judge, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Agreement, the City Charter, or any other law.

B. As an independent contractor, the Chief Judge will hold responsibility for all applicable federal and state taxes.

SECTION 10: CIVIL CLUB.

The City may pay the actual expense of the Chief Judge to belong to a civil organization within the City of South Fulton.

SECTION 11: GENERAL PROVISIONS.

A. The text herein shall constitute the entire agreement between the parties. All prior representations or statements are void.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of South Fulton has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk and the Chief Judge, has signed and executed this Agreement, both in duplicate, the day and year first above written.

Date: _____

CHIEF JUDGE:

TIFFANY CARTER SELLERS, ESQ.

CITY:

ODIE DONALD, CITY MANAGER

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-043 Appointment of Pro Tem Judge

DATE OF MEETING: 7/10/2018

DEPARTMENT: Mayor

ATTACHMENTS:

Description	Type	Upload Date
Res2018-043 Appointment of Pro Tem Judge	Cover Memo	7/5/2018

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

5
6 **RESOLUTION NO. 2018-043**
7

8 **A RESOLUTION TO APPOINT THE HONORABLE MICHAEL L. SHERIDAN AS A**
9 **PRO TEM JUDGE FOR THE CITY OF SOUTH FULTON MUNICIPAL COURT AND**
10 **FOR OTHER LAWFUL PURPOSES**
11

12 **(Sponsored by Mayor Edwards)**
13

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

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

18 **WHEREAS**, the City Charter provides that the Municipal Court is presided over by
19 a chief judge and such part-time, full-time and stand-by judges as shall be provided by
20 ordinance;

21 **WHEREAS**, Section 7-1002(e) of the City's Code of Ordinances requires that the
22 Mayor submit nominees for additional municipal court judges to the Council for approval,
23 that those judges serve for a period of four years, and may be reappointed thereafter;

24 **WHEREAS**, the Mayor has recommended The Honorable Michael L. Sheridan as
25 a qualified candidate for the position of Pro Tem Judge;

26 **WHEREAS**, the City Council has considered the candidate recommended by the
27 Mayor, and has determined that the Mayor's candidate possesses the correct
28 qualifications, experience and skills for the appointment to the position of Pro Tem Judge;
29 and

30 **WHEREAS**, this Resolution will help to ensure and preserve the health, safety and
31 welfare of the City and public.

32 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY RESOLVES:**
33

- 34 1. **Appointment.** The City Council hereby approves the nomination of The
35 Honorable Michael L. Sheridan as Pro Tem Judge pursuant to the provisions of
36 City of South Fulton Code of Ordinances, Section 7-1002(e).
37 2. **Compensation.** The compensation of the Pro Tem Judge has been fixed by the
38 City Council pursuant to Ordinance 2018-027.

- 39 3. **Approval of Execution.** The Mayor and/or City Manager is hereby authorized to
40 sign all documents necessary to effectuate this Resolution. The City Clerk is
41 authorized to execute, attest to, and seal any document that may be necessary to
42 effectuate this Resolution, subject to approval as form by the City Attorney.
- 43 4. **Severability.** In the event any portion of this resolution shall be declared or
44 adjudged invalid or unconstitutional, it is the intention of the City Council of the City
45 of South Fulton, Georgia, that such adjudication shall in no manner affect the other
46 sections, sentences, clauses or phrases of this ordinance which shall remain in full
47 force and effect, as if the invalid or unconstitutional section, sentence, clause or
48 phrase were not originally a part of the ordinance.
- 49
- 50 5. **Repeal of Conflicting Provisions.** All resolutions and parts of resolutions in
51 conflict with this resolution are hereby repealed.
- 52
- 53 6. **Effective Date.** This Resolution shall take effect immediately.
- 54
- 55
- 56

57 The foregoing RESOLUTION No. **2018-043**, adopted on _____ was
58 offered by Councilmember _____, who moved its approval. The motion
59 was seconded by Councilmember _____, and being put to a vote, the result
60 was as follows:

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

75 THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF SOUTH
76 FULTON, GEORGIA
77
78
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82

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

89 ATTEST:
90
91

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

100 APPROVED AS TO FORM:
101
102

103 _____
104 EMILIA C. WALKER, CITY ATTORNEY
105



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Ord2018-028 Nuisance Ordinance

DATE OF MEETING: 7/10/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-028 Nuisance Ordinance	Cover Memo	7/3/2018

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

4
5 **ORDINANCE NO 2018-028**
6

7 **AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, OF THE CITY**
8 **CODE OF ORDINANCES TO ADDRESS NUISANCE PROPERTIES, PROTECT**
9 **NEIGHBORING PROPERTY VALUES AND ENCOURAGE ECONOMIC**
10 **DEVELOPMENT AND FOR OTHER LAWFUL PURPOSES.**

11
12 **(Sponsored by Councilmembers Rowell, Jackson and Willis)**
13

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

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

20 **WHEREAS**, the Mayor and Council have a strong interest in growth
21 management and the promotion of health, safety, aesthetics and the general welfare of
22 the community;
23

24 **WHEREAS**, pursuant to O.C.G.A § 41-2-1 et al. and the City Charter Sections
25 1.12(b)(24) and 3.10(a), the City is authorized to abate nuisances and regulate property
26 that is detrimental to the health, sanitation, cleanliness, welfare, and safety of the
27 inhabitants of the City; and
28

29 **WHEREAS**, the City Council finds this ordinance to be in the best interests of the
30 health, safety, and general welfare of the City.
31

32 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
33 follows:
34

35 **Section 1:** The City of South Fulton Code of Ordinances, Title 6, Health and Sanitation,
36 is hereby amended by creating a new Chapter 3, Nuisances, which shall read as
37 follows:
38

39 **TITLE 6 – HEALTH AND SANITATION**
40

41 **CHAPTER 3 – NUISANCES**
42

43 **Sec. 6-3001. Short Title.**
44

45 This Chapter shall be known as the "City of South Fulton Nuisance Ordinance."
46

Sec. 6-3002. Definitions.

As used in this chapter, the term:

- (a) *Applicable codes* means any optional housing or abatement standard provided in O.C.G.A. title 8, chapter 2 as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. title 25, chapter 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. title 8, chapter 2 after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
- (b) *Closing* means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (c) *Drug crime* means an act which is a violation of O.C.G.A. title 16, chapter 13, chapter 2, known as the "Georgia Controlled Substances Act".
- (d) *Dwellings, buildings, or structures* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this chapter, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
- (e) *Graffiti* means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.
- (f) *Governing authority* means the City Council of the City of South Fulton, Georgia.
- (g) *Interested party* means:
 - (1) The "owner";

- 93 (2) Persons in possession of said property and premises;
94
95 (3) Those parties having an interest in the property as revealed by a certification
96 of title to the property conducted in accordance with the title standards of the
97 State Bar of Georgia;
98
99 (4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
100 and
101
102 (5) Any other party having an interest in the property whose identity and address
103 are reasonably ascertainable from the records of the municipality or records
104 maintained in the county courthouse or by the clerk of court; provided,
105 however, interested party shall not include the holder of the benefit or burden
106 of any easement or right-of-way whose interest is properly recorded which
107 interest shall remain unaffected.
108
109 (h) *Municipality* means the City of South Fulton, Georgia.
110
111 (i) *Owner* means the holder of the title in fee simple and every mortgagee of record.
112
113 (j) *Public authority* means any member of the governing authority, any director of a
114 public housing authority, or any officer who is in charge of any department or
115 branch of government (municipal, county or state) relating to health, fire, life
116 safety, building regulations, or to other activities concerning dwellings, buildings,
117 or structures, or use of private property within the city.
118
119 (k) *Public officer* means the city or the city manager, who is authorized to exercise
120 the powers prescribed by chapter, and any officer, agent or employee of the city
121 to whom the city or city manager delegates such authority.
122
123 (l) *Repair* means altering or improving a dwelling, building, or structure so as to
124 bring the structure into compliance with the applicable codes in the jurisdiction
125 where the property is located and the cleaning or removal of debris, trash, and
126 other materials present and accumulated which create a health or safety hazard
127 in or about any dwelling, building, or structure.
128
129 (m) *Resident* means any person residing in the jurisdiction where the property is
130 located on or after the date on which the alleged nuisance arose.
131

132 **Sec. 6-3003. Duty of owners, occupants and persons maintaining disorderly**
133 **premises.**
134

- 135 a. *Owners.* It is the duty of the owner of every dwelling, building, structure, or
136 private property within the city to construct and maintain such dwelling, building,
137 structure, or property in conformance with state law and applicable codes in force
138 within the city or such laws and ordinances which regulate and prohibit activities

on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property in violation of such codes, laws or ordinances.

b. *Owners and occupants.* The owner and occupant of property within the city shall each be independently responsible for keeping the premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth, dirt, ashes, trash, rubbish and other offensive materials.

c. Persons maintaining disorderly house or other premises.

1. *Citation upon written notice.* Any person, including owners, tenants, lessees, lessors, promoters, renters, business groups and/or managers, who keeps and maintains, either by themselves or with others, a common, ill-governed and disorderly house or other premises within the city, to the encouragement of gaming, drinking, illicit drug activity or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is charged under this paragraph, written notice shall be mailed to the owner of tax record of the property, and mailed to the property address to the attention of the "occupant," by the chief of police stating the conduct which is complained of, giving fair notice of this subsection and the conduct proscribed thereby.

2. *Citation upon oral request to cease and desist.* Any person, including owners, tenants, lessees, lessors, promoters, renters, business groups and/or managers, who allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their house, apartment or upon their property, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, after receiving oral notice from a police officer that boisterous, noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no person shall be charged under this paragraph unless the owner or person in possession of the premises has been afforded an opportunity to cease the disturbance and/or disburse the assembly or offending person from the premises. This subsection shall not preclude a police officer from arresting any individual for criminal trespass where such individual knowingly and without authority remains on private property after being notified by the owner or lawful occupant to depart.

Sec. 6-3004. Fines and Enforcement.

Any person who willfully refuses to comply with the provisions of this chapter shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than \$100.00; each day of continued violation, after citation, shall constitute a separate offense. In addition to the foregoing fines, upon conviction, the City shall discontinue the

public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-connection has been discontinued.

Sec. 6-3005. Non- exclusivity.

The city may issue citations for violations of this chapter and the city code in addition to filing a complaint in rem as provided in this chapter. Nothing in this chapter shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

Sec. 6-3006. Declaration of property as a public nuisance.

Any dwelling, building, structure, or private property which is not constructed or maintained as required under this section is hereby declared a public nuisance. Additionally, every dwelling, building, structure, or private property within the city which constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions on grounds that it:

- (i) is constructed or maintained in violation of state law and/or applicable codes in force within the city;
- (ii) is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces;
- (iii) poses an imminent harm to life or other property resulting from fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe;
- (iv) is vacant and used in the commission of drug crimes;
- (v) is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein;
- (vi) is abandoned; or
- (vii) is subject to activities or land uses regularly occurring thereon that are in violation of applicable laws and ordinances, including the zoning ordinance of this city;

is hereby declared a public nuisance.

Sec. 6-3004. Powers of city manager or his designee.

- (a) In carrying out his duties pursuant to this chapter, the city manager or his designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

- (1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and

property uses in violation of this chapter. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists;

- (2) To retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants, and attorneys, upon need and prior approval by the City Council;
- (3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this chapter; and
- (4) To delegate any of his functions and powers under this chapter to such officers, employees and agents as he may designate.

Sec. 6-3005. Complaint in rem in municipal court; procedure; lien; appeal.

- (a) **Investigation of Nuisance Property.** The city or public officer may investigate whether a nuisance exists upon evidence that a nuisance is being maintained or whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his findings. The city shall be guided in the investigation by documenting conditions, which include but are not limited to:

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light, or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair by failure to conform to applicable codes and ordinances;
- (5) Structural defects which render the structure unsafe for human habitation or occupancy;

(6) Uncleanliness; or

(7) The presence of graffiti which is visible from adjoining public or private property.

(b) **Filing of Complaint.** If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may cause for the filing of a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(c) **Service of complaints and other notices.** Summons and copies of the complaint shall be served in the following manner:

(i) *Property posting.* In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing.

(ii) *Interested parties.* At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any. For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in

such county once a week for two consecutive weeks prior to the hearing;
and

- (iii) *Lis pendens*. A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.
- (iv) *Affidavit of service*. The public officer shall cause for an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.
- (v) *Subsequent notices*. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(c) **Determination by Court.** If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; and, if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or
- (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. title 43, chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- (d) **Duty to comply with Order.** If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. The public officer shall thereafter cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

- (e) **Stay of time for abatement.** Any time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence.

- (e) **Salvage.** If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the

sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(f) **Lien.** The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. The lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in Fulton County and shall relate back to the date of the filing of the lis pendens notice required under this chapter. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the city and county for collection and enforcement purposes.

(h) **Enforcement of lien.** It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. The tax commissioner shall remit the amount collected to the city. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

(j) **Alternative collection and enforcement.** The city may initiate its own collection and enforcement efforts and may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

- (k) **Appeal.** Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by appeal to the superior court as provided by law.

Sec. 6-3006. Limitation of liability for code enforcement; no special duty created.

It is the intent of this chapter to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the city in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy such legal requirements.

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

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

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

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

504 **Section 4.** The effective date of this Ordinance shall be the date of adoption unless
505 provided otherwise by the City Charter or state and/or federal law.
506

507 **Section 5.** *Instruction to City Clerk.* Unless vetoed, the City Clerk is hereby directed
508 to forward a copy of this ordinance to the Chief of Police and Municipal Court Judge(s),
509 Solicitor(s) and Public Defender(s).
510

511 The foregoing ORDINANCE No. **Res2018-028**, adopted on _____ was
512 offered by Councilmember _____, who moved its approval. The motion was
513 seconded by Councilmember _____, and being put to a vote, the result
514 was as follows:

515

516

517 **“FIRST READING”**

518

519

520

521

522 William “Bill” Edwards, Mayor

523 Mark Baker, Mayor Pro Tem

524 Catherine Foster Rowell

525 Carmalitha Lizandra Gumbs

526 Helen Zenobia Willis

527 Gertrude Naeema Gilyard

528 Rosie Jackson

529 khalid kamau

530

531

532

AYE

NAY

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

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Request approval of Butner Road at Stonelake Road/Thames Flashing Light

DATE OF MEETING: 7/10/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Butner Rd @ Thames Rd Advance Warning	Cover Memo	7/3/2018



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM



SUBJECT: APPROVAL OF THE INSTALLATION OF A FLASHING WARNING BEACON AT THE INTERSECTION OF BUTNER ROAD AT STONELAKE DRIVE?THAMES ROAD

DATE OF MEETING: 07/10/2018

BUDGET IMPACT:
FUNDING SOURCE
(X) Annual
() Capital
() N/A

Work Session ()
Regular Session (X)
Recommendation ()
Policy/Discussion ()
Report ()
Other ()

CITY ACTION REQUESTED ON: July 10, 2018

HISTORY, FACTS AND ISSUES:

During the spring of 2018, the residents of the Gates at Stonelake subdivision expressed concern about the operation of the Butner Road at Stonelake Drive/Thames Road and requested a safety assessment of the intersection.

Transportation staff conducted a Traffic Study in May 2018 and the intersection was evaluated for sight distance, safety and other operational issues. The results of the study recommended additional advance warning signs on Butner and Thames Road and the installation of a Flashing Caution Beacon at the intersection.

These types of installations are covered under the current Intergovernmental Agreement between Fulton County and the City of South Fulton. Therefore, no additional costs will be incurred by the City of South Fulton if the installation is approved.

The flashing beacon is considered to be a traffic control device. Therefore, it is customary that the local government approve all traffic control devices before they are installed by transportation staff.

OPTIONS:

1. Approve the recommendation to install the flashing beacon and associated advanced warning signs at the intersection of Butner Road at Stonelake Driver/Thames Drive.
2. Do not approve the installation of the flashing beacon or advanced warning signs.

RECOMMENDED ACTION:

The Department is requesting the Council's approval for the installation of the Flashing Caution light. Construction will be done with in-house staff and is funded from current budget paid as part of the Intergovernmental Agreement.

DEPARTMENT:

Fulton County Public Works,
on behalf of the City of South Fulton

DEPARTMENT HEAD:

David Clark, Public Works Director
Antonio Valenzuela, Deputy Director, Transportation

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

City Manager

Action Taken By Council: _____



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Request approval of GDOT Agreement - Traffic Signal Roosevelt Hwy & Welcome All Road

DATE OF MEETING: 7/10/2018

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
FIS GDOT Agreement - Traffic Signal Roosevelt-Welcome All Roads	Cover Memo	7/3/2018



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM



SUBJECT: APPROVAL OF THE LOCAL GOVERNMENT FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF SOUTH FULTON AND THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF ROOSEVELT HIGHWAY (US 29) AND WELCOME ALL ROAD

DATE OF MEETING: 07/10/2018

BUDGET IMPACT:
FUNDING SOURCE

- (X) Annual
- () Capital
- () N/A

Work Session ()
Regular Session (X)
Recommendation ()
Policy/Discussion ()
Report ()
Other ()

CITY ACTION REQUESTED ON: July 10, 2018

HISTORY, FACTS AND ISSUES:

All traffic signals along state highways are under the jurisdiction of the Georgia Department of Transportation (GDOT). It is customary for GDOT to rely on the local government to maintain the traffic signal on their behalf. Currently the Transportation Division of the Fulton County Department of Public Works maintains 31 traffic signal for GDOT throughout the City of South Fulton, including the traffic signal at Roosevelt Highway and Welcome All Road.

GDOT is getting ready to reconstruct and upgrade the current traffic signal at Roosevelt Highway and Welcome All Road. This reconstruction will not require any construction funds from Fulton County or the City of South Fulton. However, GDOT is requiring assurance that the City of South Fulton will continue to maintain the signal after the reconstruction is complete.

This type of arrangement is common for traffic signals along state highways and the current transportation budget identified within the Intergovernmental Agreement covers this maintenance activity. Therefore, no additional funding is required to execute this maintenance agreement.

OPTIONS:

1. Execute the Maintenance Agreement with GDOT to maintain the traffic signal at Roosevelt Highway at Welcome All Road once it has been reconstructed.
2. Do not execute the maintenance agreement. This would likely result in GDOT removing the signal without upgrading it.

RECOMMENDED ACTION:

The Department is requesting the Council's approval to execute the maintenance agreement with GDOT.

DEPARTMENT:

Fulton County Public Works,
on behalf of the City of South Fulton

DEPARTMENT HEAD:

David Clark, Public Works Director
Antonio Valenzuela, Deputy Director, Transportation

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

City Manager

Action Taken By Council: _____