



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

REGULAR MEETING MINUTES

1. Call to Order

Minutes:

The meeting was called to order by Mayor Edwards at 7:12pm. Following the roll call by the City Clerk, seven members were present in the room (Edwards, Baker, Rowell, Willis, Gilyard, Jackson and khalid) and one member was present via Skype (Gumbs).

2. Invocation

Minutes:

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

3. Pledge of Allegiance

Minutes:

The pledge of allegiance was recited in unison.

4. Approval of Consent Agenda

- a. Meeting Minutes - Tuesday, 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)**

Motion (Approve as Amended): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Not Carried]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

a. A motion was made to approve the consent agenda as amended, to include a proclamation for a church anniversary and Pastor Albert Lee, III.

The City Attorney opined that it is appropriate to remove an item from the consent agenda, but not to add items.

No vote was taken on the motion.

Motion (Approve): Councilmember Willis

Second: Councilmember Gilyard

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

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

5. Approval of the Regular Meeting Agenda

Motion (Approve): Councilmember Jackson

Second:

[Motion Not Carried]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

a. A motion was made to approve the regular meeting agenda.

No vote was taken on the motion.

Motion (Approve as Amended): Councilmember khalid

Second: Mayor Pro Tem Baker

[Motion Passed]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

b. A substitute motion was made to approve the regular meeting agenda as amended, to include a proclamation for a church anniversary and Pastor Albert Lee, III, on July 15, 2018 (for spreading upon the minutes). The motion passed unanimously.

For spreading upon the minutes: Proclamation celebrating Reverend Albert Lee III and College Park C.M.E. Appreciation Day, July 15, 2018. (khalid)

Following the approval of the regular meeting agenda, the Mayor and the City Council took a moment to recognize and extend kudo's for outstanding service rendered by South Fulton Police.

On Monday, July 9th, Corporal Willis Reed along with Corporal Anderson Fluellen successfully foiled an attempted armed bank robbery at Citizens Trust Bank on Cascade Road. Corporal Nicholas Williams and an unidentified Atlanta Police Officer held the perimeter during the armed robbery. There were no injuries and the robber was successfully apprehended. This is the same robber that had stolen the cash register from the Walmart on Cascade Road.

6. Public Comment

Minutes:

The following speakers offered public comment:

- **Mr Michael Simpson (Hapeville) - spoke regarding the ATL Guide, and his interest for the City to have a discounted advertisement included by October.**
- **Mr Marcus Coleman - concerned regarding not being allowed to speak at the last meeting, his speaker card was not accepted. He also suggested utilizing organizations in the City to save our youth and to collaborate more.**
- **Ms. Glenda Collins (D5) - thanked mayor and city council for hosting educational and entertaining events, and the walks. She is concerned about**

developers submitting paperwork while decision making occurs, including what are the policies and procedures in this area and in reference to how much time the City Council has to review it. She also wants to know the policy and procedure for adding new furniture in the parks when they have been renovated.

- Ms. Sandra Rodgers (D5) - concerned about the possibility of a lawsuit with respect to the rezoning request for the QuikTrip. She is also concerned about the Trucks on Feldwood Road, she wants to see answers visibly on the website with respect to public comment concerns that were raised at previous meetings, and she is concerned about crime and gun shots that are being heard in District 5 and a lack of police visibility.
 - Ms. Myrtle Bolden (D1) - concerned about how to make a police report. She has waited at length for a detective to take the report and nothing has happened, even after visiting the precinct in person.
 - Mr. Jeffrey Benoit - changes need to be made with respect to taxes and the ability to apply for homestead exemptions beyond a cut-off date, therefore he is requesting the City to do something about it.
 - Ms. Juliette Rankins (D4) - not pleased about what she saw at the work session earlier and what she has seen in previous meetings. Thank you to Councilmembers Jackson and khalid. Please work for us. She advised the City Manager that warehouses in Union City are a part of South Fulton and our City.
 - Tracy F. Stewart (D1) - concerned about meetings not being on the website and not having instructions on the website regarding how to make public comment. The website does not give information regarding roles and responsibilities, what people are being paid, and more transparency regarding how citizens can request assistance. It needs to be publicized better.
-

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)**

Motion (Approve): Councilmember Rowell

Second: Councilmember Willis

[Motion Not Carried]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

a. A motion was made to approve Res2018-042. No vote was taken on the motion.

Motion (Amend): Councilmember Jackson

Second: Mayor Pro Tem Baker
[Motion Passed]

Yea: 6 Baker, Gilyard, Gumbs, Jackson, khalid , Rowell
Nay: 1 Willis
Abstain: 0
Not Voting: 0

Minutes:

b. A motion was made to amend the contract for the Chief Judge (Res2018-042) as follows:

- Remove the word "agreement" from Section 9: Other Terms and Conditions of Service; and,
- Add wording to Section 8: Bonding. to read, "*The City shall bear the full cost of any fidelity or other bonds required of the Chief Judge under any law or ordinance, in the lawful performance of her duties in her official capacity as Chief Judge.*"

The motion passed.

Motion (Amend): Councilmember Rowell
Second:
[Motion Failed for Lack of Second]

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

Minutes:

c. A motion was made to amend the contract for the Chief Judge by striking Section 10: Civil Club. The motion failed for a lack of a second.

Motion (Approve as Amended): Councilmember Rowell
Second: Councilmember Willis
[Motion Passed]

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

Minutes:

d. A motion was made to approve Res2018-042 as amended in motion b. The motion passed unanimously.

- 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)**

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

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

Minutes:

A motion was made to approve Res2018-043. The motion passed unanimously.

Mayor Edwards recognized Judge Sheridan in the audience.

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)**

Minutes:

FIRST READING HEARD.

Councilmember Rowell requested to see all staff recommended edits during the second reading, embedded in the document, along with any fiscal impacts.

Councilmember Jackson requested how the public water will be disconnected, under section 6-3004 Fines and Enforcements, line 184. The City Attorney indicated that this can be handled with an agreement between the City of South Fulton and the City of Atlanta, but enforcement of the disconnect will be at the discretion of the City of Atlanta or subject to who provides the water.

Councilmember khalid asked a number of questions as follows:

- **Where is the financial impact for this item? He wants to see it.**
- **Can we work with our public works department to anticipate an annual cost?**
- **How much it will cost, legal fees and demolition?**
- **Can we have a work session with some of the companies that do rehab?**
- **How much is Fulton County currently spending, per year, on demolition in SSD?**
- **For the backlog, what happens after the transition period? Does the clock start over?**
- **Does Fulton County split expenses for matters that are already underway?**
- **With respect to the City Manager or his/her designee being assigned certain duties to carry-out these services on line 222, can this be replaced with the Building Code Inspector since this appears to be that person's duties?**

With respect to the percentage to be collected by the city and the tax

commissioner, Councilmember Willis requested that information be included and brought back.

With respect to the Pro Tem Judges agenda item previously approved, under Res2018-043, Councilmember Gilyard indicated that it is not known how much is being paid. Mayor Edwards requested the City Manager to get with Councilmember Gilyard to clarify her issues.

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.

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

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

Minutes:

A motion was made to approve the Butner Road and Stonelake Drive/Thames Road project (flashing warning beacon). The motion passed unanimously.

Councilmember Willis requested to know cost and scope of the project. Mr. Antonio Valenzuela indicated that there will be no cost to the City. Maintenance funds are being used that were already allocated.

- 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.

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

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

Minutes:

A motion was made to approve the Roosevelt Highway (US29) and Welcome All Road project (traffic signal). The motion passed unanimously.

8. City Manager's Report

Minutes:

The City Manager and Chief Judge answered Councilmember Gilyard's previous question regarding the Pro Tem Judges by indicating that the City Council previously agreed to provide \$250 for the first session and \$400 for the second session. Payment is on a per session basis.

The City Manager also updated the City Council regarding activities with regard to the Chestnut Ridge coordination. A meeting was held with the HOA and today he was notified that Catholic Charities will be distributing 34 gift cards this week of \$500 increments for those who already registered. He also indicated that he has had quality attendance at the budget sessions, including surveys.

The majority of the City Council has participated in the one-on-one sessions with staff regarding the Comprehensive Plan and we are on track. The public involvement process is now beginning in Council areas.

Regarding the Mayor's Walk activities, the initial follow-up reports and responses are being publicized on the website.

9. City Attorney's Report

Minutes:

The City Attorney had no further report.

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

Minutes:

All City Councilmembers gave information regarding events and activities within their respective districts.

Mayor Edwards thanked the City Manager for all that he has been doing and encouraged residents to attend the budget and land use hearings.

11. Executive Session (CLOSED), if necessary

Minutes:

There was no executive session conducted during the regular meeting.

12. Adjournment

Motion (Adjourn): Councilmember khalid

Second: Councilmember Rowell

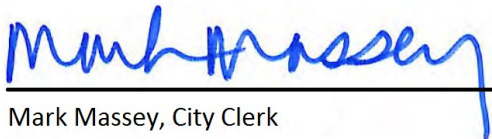
[Motion Passed]

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

Minutes:

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

The meeting adjourned at 8:47pm.



Mark Massey, City Clerk

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.

THIS RESOLUTION adopted this 10th day of July 2018. CITY OF SOUTH FULTON, GEORGIA.



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



ITEM# Res 2018-041 DATE 7/10/2018

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

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

The foregoing RESOLUTION No. **2018-042**, adopted on **July 10, 2018**, was offered by Councilmember **Rowell**, who moved its approval. The motion was seconded by Councilmember **Willis**, and being put to a vote, the result was as follows:

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

62 THIS RESOLUTION adopted this 10th day of July 2018. CITY OF SOUTH FULTON,
63 GEORGIA

64
65
66
67
68
69 
70 WILLIAM "BILL" EDWARDS, MAYOR

71
72
73
74
75
76 ATTEST:

77
78 
79
80 MARK MASSEY, CITY CLERK



81
82
83 ITEM# Res2018-042 DATE 7 / 10 / 2018
84

85
86
87 APPROVED AS TO FORM:

88
89 
90
91 EMILIA C. WALKER, CITY ATTORNEY
92

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, in the lawful performance of her duties in her official capacity as Chief Judge.

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 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.

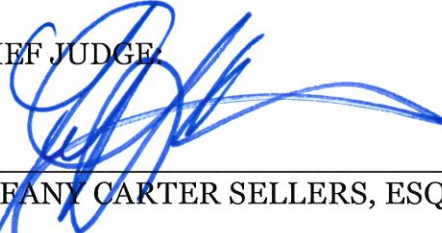
A. The text herein shall constitute the entire agreement between the parties.
All prior representations or statements are void.

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.

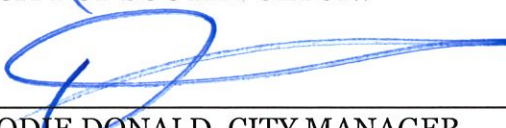
Date: 7-18-2018

CHIEF JUDGE:



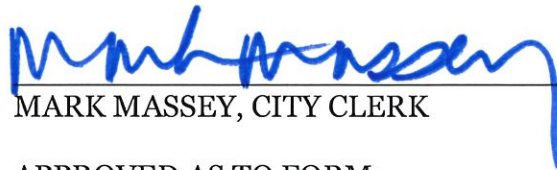
TIFFANY CARTER SELLERS, ESQ.

CITY OF SOUTH FULTON:



ODIE DONALD, CITY MANAGER

ATTEST:



MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY



ITEM# Res 2018-042 DATE 7/10/2018

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

The foregoing RESOLUTION No. **2018-043**, adopted on **July 10, 2018**, was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Rowell**, and being put to a vote, the result was as follows:

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

75 THIS RESOLUTION adopted this 10th day of July 2018. CITY OF SOUTH FULTON,
76 GEORGIA
77
78
79
80
81

82 
83 _____
84 WILLIAM "BILL" EDWARDS, MAYOR
85

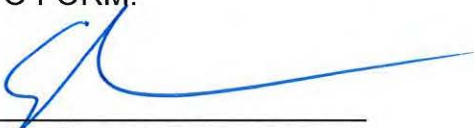
86
87
88 ATTEST:

89
90
91 
92 _____
93 MARK MASSEY, CITY CLERK
94



95
96 ITEM# Res2018-043 DATE 7/10/2018
97
98

99
100 APPROVED AS TO FORM:

101 
102 _____
103 EMILIA C. WALKER, CITY ATTORNEY
104
105