

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - REGULAR COUNCIL MEETING
Tuesday, April 27, 2021, 4:00 PM



The Honorable William "Bill" Edwards, Mayor
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 Corey A. Reeves, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR COUNCIL MEETING AGENDA

- I. Meeting Called to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance
- V. Adoption of Council Agenda
- VI. Approval of City Council Meeting Minutes
 - 1. Request Council Approval of City Council Regular Meeting Minutes from March 23, 2021 (City Clerk)
 - 2. Request Council Approval of City Council Work Session Minutes from April 14, 2021 (City Clerk)
 - 3. Request Council Approval of City Council Zoning Public Hearing Minutes from April 14, 2021 (City Clerk)
 - 4. Request Council Approval of City Council Special Called Meeting Minutes from April 14, 2021 (City Clerk)
- VII. Public Hearing(s)
 - 5. Request Council Approval of an Alcohol License for Andy Food Center, Inc. dba Sam's Supermarket located at 3840 Stonewall Tell Road, Atlanta, GA 30349 (Police)

6. Public Hearing regarding a Request for Alcohol License Revocation: re Cigaros of Georgia, LLC, dba Cigaros (Police Department)

VIII. Rezoning, Variance and Modification Cases

7. **Z20-007:** Council to consider a rezoning at 0 Butner Rd from R3-A to CUP for the purpose of developing a residential subdivision DISTRICT 2
8. **CV20-002:** Council to consider a concurrent variance to case Z20-007 at 0 Butner Rd for the purpose of constructing a retaining wall in a buffer area DISTRICT 2
9. **M21-004:** Council to consider a modification at 0 Campbellton Rd to allow for the construction of an apartment complex with commercial outparcels DISTRICT 1
10. **CV21-002:** Council to consider a concurrent variance to case M21-004 to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit DISTRICT 1

IX. Public Comments

Speakers will be granted a total of two (2) minutes each and public comments will not exceed thirty (30) minutes. Speakers will not be allowed to yield or donate their time to other speakers. Speakers must identify themselves and their addresses prior to speaking. Speakers may only address the Presiding Officer, shall observe all rules of decorum. No debate, disrespect or obscenities shall be tolerated. The Presiding Officer shall rule any such individual out of order that fails to comply with the foregoing.

X. Council Comments

XI. Consent Agenda Items

11. Mayor/Council Proclamations for Spreading on the Minutes:
 - American Descendants of Slavery (ADOS) (**Councilmember Gilyard**)
 - Burdett Park 10U Major City of South Fulton Champions (**Councilmember Reeves**)
 - Fredericka Jones (**Councilmember Rowell**)
 - Jill Lindsey (**Councilmember Baker**)
 - Shanequa Gay (**Mayor Edwards**)
 - Sonya Halpern (**Councilmember Baker**)
 - Umar Johnson (**Councilmember Baker**)
 - Westlake Lady Lions (**Mayor and Full Council**)
 - Yusef Salaam (**Councilmember Baker**)
12. Request Council Approval to award the contract and execute an Agreement with Comanche Construction of Georgia, LLC to provide repairs to Demooney Road over Deep Creek for Abutment Wall Repairs in an amount not to exceed \$317,400 (Public Works)
13. Request Council Approval to award the contract and execute an Agreement with The M Mitchell Group, LLC to provide repairs to Stacks Rd over CSX Railroad for Abutment Wall Repairs and Road Drainage Improvements in an amount not to exceed \$277,194.23 (Public Works)

14. Request Council Approval to award the contract and execute an Agreement with C. W. Matthews Contracting Co., Inc. to perform TSPLOST Road Resurfacing throughout the City in an amount not to exceed \$15,827,366 (Public Works)
15. Request Council Approval to execute Service Authorization #2 for JAT Consulting Services, Inc. to provide guidance and assistance during the FY22 budget process in an amount not to exceed \$25,000 (City Manager)
16. Request Council Approval to accept the Old National LCI Grant from ARC and commit to the required match of \$30,000 (CDRA)
17. Request Council Approval of a Resolution Authorizing An Agreement with LaDawn Jones to Serve As the City's Interim Court Administrator of the Municipal Court of the City of South Fulton
18. Request Council Approval of a Resolution Authorizing An Agreement with Christina Sears to Serve As the City's Interim Solicitor for the Municipal Court of the City of South Fulton

XII. Previous Agenda Items

19. Second Reading and Request Council Approval of Amended Parking Ordinance **(Mayor Edwards and Mayor Pro Tem Willis)**
20. Second Reading and Request Council Approval of Proposed Changes to the False Alarm Ordinance (Police)
21. Second Reading and Request Council Approval of Amendments to Title 2 – Taxation of the City’s Ordinance regarding the Procedures for Denial, Suspension or Revocation of Occupation Tax Certificate. **(Mayor Pro Tem Willis)**

XIII. Agenda Items

22. Request Council Approval of A Resolution Denouncing Domestic Terrorism **(Councilmember Baker)**
23. Request Council Approval of Resolution Establishing a 180 Day Moratorium on the Acceptance of any Rezoning Applications, Site Plans, Construction Permit Applications Related to New Developments and/or Construction of Single-Family Homes Intended for Residential Rental Purposes **(Mayor Edwards and Councilmember Gumbs)**
24. Request Council Approval of a Resolution Establishing a Ninety (90) Day and/or Three (3) Month Zoning and Development Moratorium Pertaining to District 4 Overlays of Cedar Grove, Cedar Grove Agricultural and Applicable Portions South Fulton Parkway **(Councilmember Gilyard)**
25. Request Council Approval of A Resolution Establishing An Enterprise Fund for High School Graduations, Ceremonies **(Mayor Pro Tem Willis)**
26. First Read of An Ordinance Regulating Resident-Initiated Parking Zones **(Councilmember khalid)**

27. First Reading of Ordinance to Amend the Fiscal Year 2020 Final Budget
(Finance)

XIV. Executive Session

When an Executive Session is Required, one will be called for the following issues:

1) Personnel, 2) Litigation or 3) Real Estate

XV. Adjournment of Meeting

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Regular Meeting Minutes from March 23, 2021

DATE: April 27, 2021

SUBJECT: Request Council Approval of City Council Regular Meeting Minutes from March 23, 2021

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_RM_2021_3_23_Meeting_DRAFT	Cover Memo	4/22/2021

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - REGULAR COUNCIL MEETING
Tuesday, March 23, 2021, 4:00 PM



REGULAR MEETING MINUTES

I. Meeting Called to Order

Minutes:

The meeting was called to order by Mayor William Edwards at 4:00 PM.

The meeting is being conducted under special emergency circumstances due to the COVID19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in realtime via the City's YouTube channel.

Attendee Name	Title	Status	Arrived
William "Bill" Edwards	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
khalid kamau	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

Following the roll call by the City Clerk, a quorum was established.

II. Invocation

Minutes:

The invocation was rendered by Pastor Warren Henry, Chaplain.

III. Pledge of Allegiance

Minutes:

IV. Adoption of Council Agenda

Motion (Remove): Councilmember Gilyard

Second: Councilmember Willis

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to remove #7, items 1 and 4, from the Consent Agenda and hold until the next Regular Meeting.

The motion was approved unanimously.

Motion (Remove): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to remove #15, Resolution authorizing the City Manager and/or her/his designee to sign Non-Disclosure Agreements (NDA) for Economic Development projects from the Consent Agenda and hold to allow the City Manager to discuss this item with all Councilmembers.

The motion was approved unanimously.

Motion (Approve as Amended): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda with the amendments to items 7 and 15.

The motion was approved unanimously.

Motion (Hold): Councilmember Gumbs

Second: Councilmember Rowell

[Motion Approved]

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

Nay: 1 khalid

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to hold #23, Resolution Establishing a 180 Day Moratorium on the Acceptance of any Rezoning Applications, Site Plans, Construction Permit Applications for 1) Subdivisions or Multi-Family Developments Consisting of 3 or More Residential Units 2) Industrial Uses and 3) Residential Rental Purposes, Extended Stay Residential Facilities, Nail Salons and Barbershops or other similar accommodations and/or Businesses Located within the City of South Fulton until the next Regular Meeting.

The motion was approved 6-1. Councilmember khalid voted in opposition.

Motion (Table): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to table #17, Request Council Approval of a Resolution Establishing Media and Communications Requirements for the City Communications Department until further notice.

The motion was approved unanimously.

Minutes:

Councilmember khalid requested a spreadsheet detailing all legislation, the current status of the legislation and when the legislation is anticipated to appear on the Council Agenda.

Motion (Approve as Amended): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Council Meeting Agenda with the noted amendments.

The motion was approved unanimously.

V. Approval of City Council Meeting Minutes

Motion (Approve): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the following City Council Meeting Minutes:

Regular Meeting from February 23, 2021

Work Session Meeting from March 9, 2021

Zoning Public Hearing from March 9, 2021

The motion was approved unanimously.

1. Request Council Approval of City Council Regular Meeting Minutes from February 23, 2021 (City Clerk)
2. Request Council Approval of City Council Work Session Minutes from March 9, 2021 (City Clerk)
3. Request Council Approval of City Council Zoning Public Hearing Minutes from March 9, 2021 (City Clerk)

VI. Public Hearing(s)

4. Request Council Approval of a Request for Alcohol License Revocation: re Pro Entertainment Enterprise, Inc., dba South Beach (Police)

Motion (Approve): Councilmember Reeves

Second: Councilmember Willis

[Motion Approved]

Yea: 5 Gilyard, Gumbs, Reeves, Rowell, Willis

Nay: 0

Abstain: 2 Baker, khalid

Not Voting: 0

Minutes:

Public Hearing held. 16 comments received.

Rosa Robinson, District 6: Supports revocation.

Clyde Sampson, District 5: Supports revocation.

Charles Musgray, District 6: Supports revocation.

Phylliss Lewis: Supports revocation.

Sy Collins, District 5: Opposed to revocation.

Dr. Gordon Rolle, District 4: Opposed to revocation.

Dr. Sonia Francis-Rolle, District 4: Opposed to revocation.

Jill Lindsey, District 7: Opposed to revocation.

Sherie Phillips, District 6: Opposed to revocation.

Alexis Marcial, Atlanta: Opposed to revocation.

Angelique Cummings, Conyers: Opposed to revocation.

Mia Amerson, East Point: Opposed to revocation.

Melanie Melchor, Jonesboro: Opposed to revocation.

Krissy S, East Point: Opposed to revocation.

Tiffany Sykes, Riverdale: Opposed to revocation.

Demario Baker, Lithonia: Opposed to revocation.

Chief Keith Meadows spoke on behalf of the Police Department.

Kem Kimbrough, attorney for Pro Entertainment Enterprise spoke on behalf of the owner, Lucious Crowe and Jasiel Robinson.

A motion was made to approve the staff's recommendation of revocation of the liquor license for Pro Entertainment Enterprise dba South Beach.

The motion was approved 5-0-2. Councilmembers khalid and Baker abstained.

Motion (Previous Question): Councilmember Willis

Second: Councilmember Reeves

[Motion Failed]

Yea: 4 Gumbs, Reeves, Rowell, Willis

Nay: 3 Baker, Gilyard, khalid

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to call the previous question.

The motion failed 4-3 based upon a ruling by Mayor Edwards that the motion required a supermajority for passage. Councilmembers khalid, Baker, and Gilyard voted in opposition.

5. Request Council Approval of an Alcohol License for Andy Food Center, Inc. dba Sam's Supermarket located at 3840 Stonewall Tell Road, Atlanta, GA 30349 (Police)

Motion (Hold): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

Public Hearing held. One comment was received.

Jaqueline Winston, District 4: Opposed to application.

The applicant, Zamilur Rahman, was present but did not speak.

A motion was made to hold this alcohol license application until the next Regular Meeting next month.

The motion was approved unanimously.

VII. Public Comments

Minutes:

There were 26 speakers who submitted public comment as follows:

- 1. Valerie Swails, District 7: Opposed to Zoning and Permit Moratorium**
- 2. Dr. Francis Rolle, District 4: Opposed to Non-Disclosure legislation Item 15**
- 3. Dr. Gordon Rolle, District 4: Opposed to Non-Disclosure legislation Item 15**
- 4. Timperis Robertson, District 2: Opposed to Zoning and Permit Moratorium**
- 5. Gloria Willaims, District 2: Concerned about sanitation and litter in City**
- 6. Rhonda Simpson, District 3: Opposed to Zoning and Permit Moratorium**
- 7. Jewel Johnson, District 1: Opposed to Non-Disclosure legislation Item 15**
- 8. Brenda Marshall, District 6: Request continued funds for blighted properties**
- 9. Richard B. Allen, District 3: Opposed to Non-Disclosure legislation Item 15**
- 10. Antoinette Clacken, District 1: Opposed to Non-Disclosure legislation Item 15**
- 11. Juliette Rankins, District 4: Opposed to Non-Disclosure legislation Item 15**
- 12. Rosalyn Woolfolk, District 1: Opposed to Non-Disclosure legislation Item 15**
- 13. Stephanie Hudson, District 1: Opposed to Zoning and Permit Moratorium**
- 14. Tessa Berry, District 1: Request flashing lights in school zones**
- 15. Denice Brue-Clopton, District 3: Opposed to using school zone ticket fees to buy an**

armored truck

16. Willie Miller, District 4: Opposed to using school zone ticket fees to buy an armored truck

17. Glenda Collins, District 5: Opposed to Non-Disclosure legislation Item 15; Litter; Status of Stacks Rd. Bridge

18. Dana Norris, District 3: Opposed to Non-Disclosure legislation Item 15

19. Michael Schaepe, District 4: Opposed to Non-Disclosure legislation Item 15

20. Reshard Snellings, District 1: Concerned about the length of time to complete Cascade Road Culvert Replacement

21. Charles Mitchell, District 4: Opposed to Non-Disclosure legislation Item 15

22. Steven, District 6: Request continued funds for blighted properties and establishment of a zip code for the City of South Fulton.

23. Joseph Santoro, Council for Quality Growth: Opposed to Zoning and Permit Moratorium

24. Codeye Woody, Greater Atlanta Home Builders Association: Opposed to Zoning and Permit Moratorium

25. Chris Knight, Fayetteville: Opposed to Zoning and Permit Moratorium

26. Corey Deal, Greater Atlanta Home Builders Association: Opposed to Zoning and Permit Moratorium

VIII. Council Comments

Minutes:

District 1:

The District One Town Hall Meeting was a success. A copy of the video is available on Councilmember Rowell's Facebook page.

Workout equipment is being installed at Trammell Crow Park.

The Fulton Industrial Boulevard and Camp Creek Parkway Streetscape Project is underway and is funded by the Fulton Industrial CID.

Kalmac's Home Decor will be hosting its grand opening on March 26, 2021 in the Sandtown Crossing Publix Shopping Plaza

District 2:

The District Two newsletter will be released soon.

Kalmac's Home Decor will be hosting its grand opening on March 26, 2021 in the Sandtown Crossing Publix Shopping Plaza

District 3:

Councilmember Willis thanked the residents for their participation in today's Council Meeting including those on the Youtube chat.

The Feeding Our City Food Distribution Program was a success at the Cliftondale United Methodist Church. There were over 920 boxes of food distributed.

The Easter Feeding Our City Food Distribution will be held April 2, 2021, 11 AM - 2 PM. Registration is required. In support of the City's Single Use Plastics Ordinance, recyclable grocery bags and reusable staws will be distributed.

District 4:

Councilmember Gilyard will be hosting bi-monthly community meetings with District 4 communities.

On March 31, 2021, there will be a District 4 Zoning Basics Meeting with featured speaker, Mr. Harold Reid.

District 5:

Councilmember Reeves announced that the former Target on Old National Highway in College Park is being torn down.

On April 22, 2021 from 9 AM - 2 PM, Councilmember Reeves and State Representative Mandisha Thomas will host the Georgia Environmental Justice Awareness and Education Forum. The event is free and will be virtual.

District 6:

Councilmember Khalid expressed congratulations to the Code Enforcement Division for demolishing the first property on the Blighted Properties list.

Councilmember Khalid also recognized the work of the Department of Communications for the many positive stories that they promote.

Citizens may sign up for his newsletter by texting Fulton3377 or visiting khalidcares.com.

District 7:

Councilmember Baker solicited any attorneys in the community who wish to participate with the National Reparations Movement Alliance and identified the first city to allocate resources for reparations, Evanston, Illinois.

Councilmember Baker also congratulated the Code Enforcement Division for demolishing a property on Old Jonesboro Rd. which was a property on the Blighted Properties list.

Citizens may sign up for his newsletter by e-mailing mark.baker@cityofsouthfultonga.gov.

IX. Consent Agenda Items

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda - items 6,7 (2,3), 8-14, 16.

The motion was approved unanimously.

6. Mayor/Council Proclamations for Spreading on the Minutes:

- American Red Cross Month (**Councilmember Gumbs**)
- George Allen Bynoe Day (**Councilmember Rowell**)
- Haroun Shahid Wakil Appreciation Day (**Councilmember Baker**)
- Haroun Shahid Wakil Day (**Councilmember khalid**)
- Jasiel "Yung Joc" Robinson Day (**Councilmember khalid**)
- Ray Mills Day (**Councilmember khalid**)
- Sam Thompkins Appreciation Day (**Councilmember Rowell**)
- South Fulton Educators Day (**Mayor Edwards**)
- Vernon Jordan Day (**Councilmember khalid**)

Minutes:

Item approved as a part of Consent Agenda.

7. Request Council confirmation of the following recorded development plats as approved by the City Engineer pursuant to Section 4.2.2.E of the Subdivision Regulations, Appendix D:

1. confirm the recorded plat for Queen Anne in Tapestry at Le Jardin
2. confirm the recorded plat for Camp Creek Village Phase 3
3. confirm the recorded plat for Riggins Ridge Phase 3B
4. confirm the recorded plat for Jackson Estate at Ono Road

Minutes:

Items 2 and 3 approved as a part of Consent Agenda.

Items 1 and 4 removed from agenda.

8. Request Council Approval to enter into a Memorandum of Understanding with the Atlanta Hawks Foundation, Inc. and accept a donation in the amount of \$115,000 from the Atlanta Hawks Foundation for the renovation of the "Art Room" at Welcome All Park (Parks, Recreation & Cultural Affairs)

Minutes:

Item approved as a part of Consent Agenda.

9. Request Council Approval to enter into a Memorandum of Understanding with the United States Secret Service (Police)

Minutes:

Item approved as a part of Consent Agenda.

10. Request Council Approval to enter into a Memorandum of Understanding with Georgia Emergency Management and Homeland Security Agency to submit an application for the Explosive Ordnance Detection (EOD) K-9 Grant (Police)

Minutes:

Item approved as a part of Consent Agenda.

11. Request Council Approval to enter into a Memorandum of Understanding with the National Sheriffs Association to participate in the RAPIDS project (Police)

Minutes:

Item approved as a part of Consent Agenda.

12. Request Council Approval of a Resolution confirming matching funds in the amount of \$30,000 for a comprehensive update to the Old National LCI (CDRA)

Minutes:

Item approved as a part of Consent Agenda.

13. Request Council Approval of the Right of Way Agreement with the Georgia Department of Transportation to receive up to \$504,000 of federal funds for Rights of Way acquisition for the Old National Highway (SR279) Phase II pedestrian facilities project with a match of \$126,000 (Public Works)

Minutes:

Item approved as a part of Consent Agenda.

14. Request Council Approval to renew the Microsoft Enterprise Agreement in an amount not to exceed \$350,000 (IT)

Minutes:

Item approved as a part of Consent Agenda.

15. Request Council Approval of a Resolution authorizing the City Manager and/or her/his designee to sign Non-Disclosure Agreements (NDA) for Economic Development projects (City Manager)

Minutes:

Item removed from agenda.

16. Request Council Approval of a Resolution authorizing the City Manager and/or her/his designee to sign MS4 Permit related documentation (Public Works)

Minutes:

Item approved as a part of Consent Agenda.

X. Previous Agenda Items

17. Request Council Approval of a Resolution Establishing Media and Communications Requirements for the City Communications Department **(Councilmembers Willis and Gumbs)** (Item was held at the February 23, 2021 Council Meeting)

Minutes:

Item removed from agenda.

18. Request Council Approval to establish a policy to only hear zoning cases at zoning public hearings on the 2nd Tuesday of each month at 6:00 PM and to vote on the same zoning cases at the next Regular Council Meeting held on the 4th Tuesday at 4:00 PM. **(Councilmember Willis)** (Item was held at the February 23, 2021 Council Meeting)

Motion (Approve): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 1 Rowell

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a policy to only hear zoning cases at zoning public hearings on the 2nd Tuesday of each month at 6:00 PM and to vote on the same zoning cases at the next Regular Council Meeting held on the 4th Tuesday at 4:00 PM.

The motion was approved 6-1. Councilmember Rowell voted in opposition.

19. Second Reading and Request Council Approval of FY21 Budget Amendment #2 Ordinance (Finance)

Motion (Approve): Councilmember Willis

Second:

[Motion Withdrawn]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve FY21 Budget Amendment #2 Ordinance.

The motion was withdrawn due to the loss of a second.

Motion (Approve): Councilmember khalid

Second: Councilmember Baker

[Motion Failed]

Yea: 3 Baker, khalid , Reeves

Nay: 4 Gilyard, Gumbs, Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes:

A substitute motion was made to allocate \$1 million dollars from the School Speed Zone Program revenue to pedestrian improvements such as sidewalks, speed bumps and crosswalks.

The motion failed 3-4. Councilmembers Rowell, Gumbs, Willis and Gilyard voted in opposition.

Motion (Approve): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 5 Gilyard, Gumbs, Reeves, Rowell, Willis

Nay: 2 Baker, khalid

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve FY21 Budget Amendment #2 Ordinance.

The motion was approved 5-2. Councilmembers khalid and Baker voted in opposition.

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 1 khalid

Not Voting: 0

Minutes:

A motion was made to direct the City Manager, City Attorney, Police Chief and Finance Director to bring back a plan to the City Council that allows the use of these funds consistent with State law.

The motion was approved 6-0-1. Councilmember khalid abstained.

20. Second Reading and Request Council Approval of An Ordinance Enhancing Operational Efficiency; Amending Section 4.13, City Clerk, of the City of South Fulton Charter **(Councilmember Rowell)**

Minutes:

This item was held until the next Regular Meeting.

21. Second Reading and Request Council Approval of Amended Parking Ordinance **(Mayor Edwards and Councilmember Willis)**

Motion (Approve): Councilmember Willis

Second: Councilmember Gilyard

[Motion Withdrawn]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Amended Parking Ordinance.

The motion was withdrawn.

The item was held to address Councilmember Rowell's amendment and other amendments as proposed by Chief Keith Meadows. Attorney Hyman was directed to review all amendments as proposed by Councilmember Rowell and Chief Meadows and bring back an amended ordinance.

Councilmember khalid requested that his Parking Ordinance which addresses parking zones and parking in front of mailboxes be included on the next available agenda.

22. Second Reading and Request Council Approval of Parking Ordinance Recognizing City of South Fulton Veterans **(Councilmembers Gumbs and Reeves)**

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Reeves

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Parking Ordinance Recognizing City of South Fulton Veterans with an amendment to change the fine amount to \$25 as opposed to \$50.

This motion was approved unanimously.

XI. Agenda Items

23. Request Council Approval of Resolution Establishing a 180 Day Moratorium on the Acceptance of any Rezoning Applications, Site Plans, Construction Permit Applications for 1) Subdivisions or Multi-Family Developments Consisting of 3 or More Residential Units 2) Industrial Uses and 3) Residential Rental Purposes, Extended Stay Residential Facilities, Nail Salons and Barbershops or other similar accommodations and/or Businesses Located within the City of South Fulton. **(Councilmembers Gumbs, Rowell, Gilyard and Willis)**

Minutes:

Item removed from agenda.

24. First Reading of Proposed Changes to the False Alarm Ordinance (Police)

Minutes:

FIRST READ

25. First Reading of Amendments to Title 2 – Taxation of the City’s Ordinance regarding the Procedures for Denial, Suspension or Revocation of Occupation Tax Certificate. **(Councilmember Willis)**

Minutes:

FIRST READ

XII. Executive Session

Motion (Recess): Councilmember Willis

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made at 7:11 PM to recess for an Executive Session for Litigation, Personnel and Real Estate to begin at 7:25 PM.

The motion was approved unanimously.

Motion (Reconvene): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

A motion was made to reconvene from Executive Session at 8:11 PM.

The motion was approved 6-0-1. Councilmember khalid did not vote.

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 1 khalid

Minutes:

A motion was made to authorize the City Manager to enter into negotiations with affected stakeholders for a proposed resolution of the Fulton Industrial Boulevard issue as follows: the City of Atlanta will annex the portion of Fulton Industrial Boulevard north of Interstate 20 and the City of South Fulton will annex the portion of Fulton Industrial Boulevard south of Interstate 20.

The motion was approved 6-0-1. Councilmember khalid did no vote.

XIII. Adjournment of Meeting

Motion (Adjourn): Councilmember Baker

Second: Councilmember Rowell

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Regular Meeting at 8:13 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Work Session Minutes from April 14, 2021

DATE: April 27, 2021

SUBJECT: Request Council Approval of City Council Work Session Minutes from April 14, 2021

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_WS_2021_4_14_Meeting_DRAFT	Cover Memo	4/22/2021

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - WORK SESSION
Wednesday, April 14, 2021, 4:00 PM



COUNCIL WORK SESSION MEETING MINUTES

I. Call to Order

Minutes:

The Work Session was called to order by Mayor William Edwards at 4:12 PM.

The meeting is being conducted under special emergency circumstances due to the COVID-19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in real-time via the City's YouTube channel.

Mayor Edwards recessed the meeting for a brief break at 6:10 PM until 6:25 PM.

II. Roll Call

Attendee Name	Title	Status	Arrived
William "Bill" Edwards	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
khalid kamau	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

Following the roll call by the City Clerk, a quorum was established.

III. Agenda Items

1. 2021 Legislative Session Update and Tracking – Andrew Long, A. R. Long Company

Minutes:

Andrew Long, AR Long Company, presented the 2021 Legislative Session Update including the status of the 5 priority areas for the City.

Mr. Long, Mayor Edwards and Mayor Pro Tem Willis discussed and recognized the entities that contributed to the success of HB 445, the "Fulton Industrial Boulevard Bill."

-
2. Presentation: The American Rescue Plan Act- Michael Wallace, National League of Cities

Minutes:

Michael Wallace with the National League of Cities led a discussion and update regarding the American Rescue Plan Act and its impact on the City of South Fulton.

The presentation was followed by a question and discussion period.

-
3. City of South Fulton's Comprehensive Plan Process and Updates – Jared Lombard, Atlanta Regional Commission

Minutes:

Jared Lombard with the Atlanta Regional Commission presented the City of South Fulton's Comprehensive Plan Process and Updates.

The presentation was followed by a question and discussion period.

Mayor Pro Tem Willis requested that staff send a mailer to residents in addition to social media and online efforts to get the word out about the Comprehensive Plan Process.

-
4. Transportation Special Purpose Local Option Sales Tax (TSPLOST) Update and Discussion (**Mayor Edwards**)

Minutes:

Mayor Edwards provided an update regarding discussions between the Mayors of Fulton County's 14 cities and Fulton County regarding the TSPLOST discussion.

Mayor Edwards advised that the majority of Fulton County's Mayors support Option 3A (0.75% TSPLOST WITH NO TRANSIT)

Councilmembers provided comments and preferences regarding the TSPLOST program.

The Mayor asked for a consensus vote from the Council regarding the 3 options: The vote was as follows:

Option 3A (0.75% TSPLOST WITH NO TRANSIT): Councilmembers Gumbs, Gilyard,

and khalid.

Option 3C with a list of the projects (1% TSPLOST WITH TRANSIT): Councilmembers Rowell, Willis

Councilmember Baker abstained. Councilmember Reeves did not vote.

5. Finance Monthly Report

Minutes:

Report presented by Interim Finance Director, Nina Robinson.

6. City Attorney Monthly Report

Minutes:

Attorney Hyman indicated his report involves items which would be more appropriate for Executive Session.

7. City Manager Monthly Report

Minutes:

Report presented by City Manager, Tammi Saddler Jones.

The presentation was followed by a question and discussion period.

The City Manager will notify the City Council when the monthly City Manager's Report is posted to the City website.

IV. Executive Session (if needed)

When an Executive Session is Required, one will be called for the following issues: 1) Personnel, 2) Litigation or 3) Real Estate

Minutes:

No Executive Session conducted

V. Adjournment of Meeting

Motion (Adjourn): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Work Session at 6:27 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Zoning Public Hearing Minutes from April 14, 2021

DATE: April 27, 2021

SUBJECT: Request Council Approval of City Council Zoning Public Hearing Minutes from April 14, 2021

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_ZPH_2021_4_14_Meeting_DRAFT	Cover Memo	4/22/2021

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - ZONING PUBLIC HEARINGS
Wednesday, April 14, 2021, 6:00 PM



SPECIAL CALLED MEETING MINUTES

1. Meeting Called to Order

Minutes:

The Zoning Public Hearings was called to order by Mayor William Edwards at 6:27 PM.

The meeting is being conducted under special emergency circumstances due to the COVID-19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in real-time via the City's YouTube channel.

2. Roll Call

Minutes:

Attendee Name	Title	Status	Arrived
William "Bill" Edwards	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
khalid kamau	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	6:28 PM

Following the roll call by the City Clerk, a quorum was established.

3. Agenda Items

1. **Z20-007:** Council to consider a rezoning at 0 Butner Rd from R3-A to CUP for the purpose of developing a residential subdivision. **DISTRICT 2 (Case HELD from March 9, 2021 Zoning Public Hearing)**

Minutes:

Public Hearing held. Three comments received.

Applicant: Michele Battle

Sonya Patterson, District 2: Opposed to application

Gloria Williams, District 2: Opposed to application

Deyanna Respress, District 2 represented by legal counsel Emily Preston: Opposed to application request conditions if approved

Discussion conducted.

-
2. **CV20-002:** Council to consider a concurrent variance to case Z20-007 at 0 Butner Rd for the purpose of constructing a retaining wall in a buffer area. **DISTRICT 2 (Case HELD from March 9, 2021 Zoning Public Hearing)**

Minutes:

Public Hearing held. Three comments received.

Applicant: Michele Battle

Sonya Patterson, District 2: Opposed to application

Gloria Williams, District 2: Opposed to application

Deyanna Respress, District 2 represented by legal counsel Emily Preston: Opposed to application request conditions if approved

Discussion conducted.

-
3. **Z20-008** Council to consider a rezoning from AG-1 (Agricultural) to CUP (Community Unit Plan) for property located at 7195 Butner, 0 W Stubbs, and 3315 W Stubbs Rd. **DISTRICT 2**

Motion (Defer): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Deferred]

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

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

One comment received.

Applicant: Michele Battle

Gloria Williams, District 2: Opposed to application

A motion was made to defer Case Z20-008, Z20-009, CV20-001, M21-003 and CV21-001 until the May Zoning Public Hearing.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

4. **Z20-009:** Council to consider a rezoning request from AG-1 (Agricultural) to SH (Senior Housing) for property located at 7195 Butner, 0 W Stubbs, and 3315 W Stubbs Rd. **DISTRICT 2**

Motion (Defer): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Deferred]

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

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

One comment received.

Applicant: Michele Battle

Gloria Williams, District 2: Opposed to application

A motion was made to defer Case Z20-008, Z20-009, CV20-001, M21-003 and CV21-001 until the May Zoning Public Hearing.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

5. **CV20-001:** Council to consider a concurrent variance on the senior age requirement from 62 to 55. Companion legislation with Z20-009. **DISTRICT 2**

Motion (Defer): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Deferred]

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

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

One comment received.

Applicant: Michele Battle

Gloria Williams, District 2: Opposed to application

A motion was made to defer Case Z20-008, Z20-009, CV20-001, M21-003 and CV21-001 until the May Zoning Public Hearing.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

6. **M21-004:** Council to consider a modification at 0 Campbellton Rd to allow for the construction of an apartment complex with commercial outparcels. **DISTRICT 1**

Minutes:

Public Hearing held. Two comments received.

Applicant: Jerome Hagley and Adam Parker with Carter USA represented by attorneys Larry Dingle and Steve Rothman.

Sonya Patterson, District 2: Opposed to application

Gloria Williams, District 2: Opposed to application

Discussion conducted.

7. **CV21-002:** Council to consider a concurrent variance to case M21-004 to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit. **DISTRICT 1**

Minutes:

Public Hearing held. Two comments received.

Applicant: Jerome Hagley and Adam Parker with Carter USA represented by attorneys Larry Dingle and Steve Rothman.

Sonya Patterson, District 2: Opposed to application

Gloria Williams, District 2: Opposed to application

Discussion conducted.

8. **M21-003:** Council to consider a modification at 0 Boat Rock Rd (rear) for the purpose of constructing senior apartments. **DISTRICT 1**

Motion (Defer): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Deferred]

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

Minutes:
One comment received.

Applicant: Michele Battle

Gloria Williams, District 2: Opposed to application

A motion was made to defer Case Z20-008, Z20-009, CV20-001, M21-003 and CV21-001 until the May Zoning Public Hearing.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

9. **CV21-001:** Council to consider concurrent variances to case M21-003 in order to allow for a 4-storey building (instead of a maximum of 3 stories) in the Sandtown Overlay, to allow for the stormwater retention facility to be built in a City setback and buffer area, and to allow for a parking shade island every 10 spaces (up from 5 spaces). **DISTRICT 1**

Motion (Defer): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Deferred]

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

Minutes:
One comment received.

Applicant: Michele Battle

Gloria Williams, District 2: Opposed to application

A motion was made to defer Case Z20-008, Z20-009, CV20-001, M21-003 and CV21-001 until the May Zoning Public Hearing.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

4. Executive Session

When an Executive Session is Required, one will be called for the following issues:

1) Personnel, 2) Litigation or 3) Real Estate

Motion (Recess): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 1 Reeves

Minutes:

A motion was made to recess for an Executive Session for Litigation, Personnel and Real Estate at 7:30 PM.

The motion was approved 6-0-1. Councilmember Reeves did not vote.

Motion (Reconvene): Councilmember Baker

Second: Councilmember Gilyard

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to reconvene from Executive Session at 7:59 PM.

The motion was approved unanimously.

5. Adjournment of Meeting

Motion (Adjourn): Councilmember Baker

Second: Councilmember Rowell

[Motion Approved]

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

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Zoning Public Hearings at 7:59 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Special Called Meeting Minutes from April 14, 2021

DATE: April 27, 2021

SUBJECT: Request Council Approval of City Council Special Called Meeting Minutes from April 14, 2021

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_SCM_2021_4_14_Meeting_DRAFT	Cover Memo	4/22/2021

**CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - SPECIAL CALLED MEETING
Wednesday, April 14, 2021, 3:00 PM**



SPECIAL CALLED MEETING MINUTES

1. Meeting Called to Order

Minutes:

The Special Called Meeting was called to order by Mayor William Edwards at 3:00 PM.

The meeting is being conducted under special emergency circumstances due to the COVID19 (also known as the Coronavirus) pandemic. City Council members and staff are participating via conference call (Zoom). The meeting is being simulcast in realtime via the City's YouTube channel.

2. Roll Call

Minutes:

Attendee Name	Title	Status	Arrived
William "Bill" Edwards	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Naeema Gilyard	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
khalid kamau	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

Following the roll call by the City Clerk, a quorum was established.

3. Agenda Items

- 1. Public Hearing regarding a Request for Alcohol License Revocation: re Burn Lounge LLC. dba Burn Lounge (Police Department)**

Motion (Approve w/ Conditions): Councilmember Willis

Second: Councilmember Reeves
[Motion Approved]

Yea: 5 Gilyard, Gumbs, Reeves, Rowell, Willis
Nay: 0
Abstain: 2 Baker, khalid
Not Voting: 0

Minutes:

City Attorney Vincent Hyman explained the reason for this emergency alcohol hearing pertaining to Burn Lounge, LLC.

Chief Keith Meadows and Major Tina Johnson spoke on behalf of the Police Department.

Zenobia Waters, attorney for Burn Lounge spoke on behalf of the owner, Shonica Crocker and business partner, Destiny Hodge. Attorney Max Richardson was also present.

Public Hearing held. 54 comments received.

Comments Received In Support of Recommendation

1. Shirley Price Garner, District 6
2. Pamela Harvey, District 3
3. Melissia Patterson, District 5
4. Alvin Reynolds, District 7

Comments Received In Opposition to Recommendation

1. Marquista Darling, District 5
2. Kimsey, District 3
3. Zachariah Carter, District 5
4. Joseph Thomas, District 3
5. Brandon Johnson, District 3
6. Jerome Allen, District 5
7. Daton Yancey, District 4
8. Larry Bryant, District 3
9. Zamonte Carter, District 5
10. Wayne Stallings, District 3
11. Johnny D, District 4
12. Renee, District 6
13. Jarrad Walker, District 5
14. Gloria Smith, District 3
15. Corey Parks, District 2
16. Yasmeen Patterson, District 6
17. Shirley Garner, District 6
18. Melanie Sloan, District 4
19. Jazmin Cronwell, District 3
20. Lynn Motley, District 3
21. Shani Winfrey, District 5

22. Jocquelyn Millines, District 6
23. Randy Collins, District 5
24. Laquita Pope, College Park
25. Theresa, College Park
26. Alvin Ransom, Riverdale
27. Robert Jones, College Park
28. Wayne Brown, College Park
29. Travis Barber, Union City
30. Torrey Tomlinson, Riverdale
31. Norris Pittman, College Park
32. James Rachels, Ellenwood
33. Brian Reynolds Jr., Atlanta
34. Selena Seabrooks, Dallas
35. Taylor, Atlanta
36. Tanaisha Pearson, Snellville
37. Melissa Jean McMahon, Stone Mountain
38. S. Truesdell, Atlanta
39. Torrae Lawrence-Mitchell, Atlanta
40. Kiria, Decatur
41. Bradley Sanders, FayettevilleBradon
42. Stacy Mitchell-Hogan, Fayetteville
43. Johnny Harris, Morrow
44. Tremond Gates, Smyrna
45. Corie Edmon, East Point
46. Lynnae Toombs, Conyers
47. Jennifer Johnson, Union City
48. Jasmin Bean, Stonecrest
49. Queenie X
50. Eugene Trapp

A motion was made to permit Burn Lounge LLC. to retain its liquor license contingent upon the owner of Burn Lounge meeting with the Chief of Police for the City of South Fulton. Further, the owner of Burn Lounge must agree to and sign a Security Plan and Agreement prior to the reinstatement of its liquor license.

The motion was approved 5-0-2. Councilmembers khalid and Baker abstained.

4. Adjournment of Meeting

Motion (Adjourn): Councilmember Baker
 Second: Councilmember Gumbs
 [Motion Approved]

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

Minutes:

A motion was made to adjourn the Special Called Meeting at 4:11 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of an Alcohol License for Andy Food Center, Inc. dba Sam's Supermarket located at 3840 Stonewall Tell Road, Atlanta, GA 30349

DATE: April 27, 2021

SUBJECT: Request Council Approval of an Alcohol License for Andy Food Center, Inc. dba Sam's Supermarket located at 3840 Stonewall Tell Road, Atlanta, GA 30349

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Alcohol License Application - Sams Supermarket (Police)	Cover Memo	4/23/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 3/23/2021		
Requesting Department Police Department	Council District(s) Affected District 3	
Requested Action Approval to get on City Council Regular Agenda Meeting for March 23, 2021 to have a public hearing. Request for Council to vote this matter at the March 23, 2021 council meeting regarding the application for an alcohol license for Andy Food Center, Inc dba Sam's Supermarket located at 3840 Stonewall Tell Road, Atlanta, GA 30349.		
Requirements for Council Action (City specific Council policy, statute or code requirement) Pursuant to Title 16, Section 16-2020(d) Police Chief recommends City Council to approval application.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) The applicant for Andy Food Center Inc, dba Sam's Supermarket has applied for an alcohol license for the retail sales of malt beverages (beer) and wine at Sam's Supermarket at 3840 Stonewall Tell Road, Atlanta, GA 30349. Previously, there was a supermarket selling beer and wine already at this location. There was a change in ownership of the business and as required by law the new owner must apply for a new alcohol license. All applicable fees have been paid related to obtaining an alcohol license. Application and/or location has been reviewed/inspected and approved by Code Enforcement, Fire Department, Zoning Department, Business Licensing, Fulton County Board of Education and South Fulton Police Department.		
Funding Source (if applicable) N/A		
Financial Impact (if applicable) Initial Revenue \$1175 and Estimated Annual Revenue of \$950		
Financial Impact Statement Received Yes ☐ No ☒ Legislative Process Complete Yes ☐ No ☒		
Department Director Approval  Keith Meadows (Mar 2, 2021 15:09 EST)  Chad C. Jones (Mar 3, 2021 12:38 EST)		Finance Director Approval 
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval 

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM “BILL” EDWARDS
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: City of South Fulton Mayor & Council

FROM: Chief of Police, Keith Meadows – Police Department 

DATE: March 2, 2021

SUBJECT: Request by Andy Food Center, Inc, dba Sam’s Supermarket for an alcohol license for the retail sales of malt beverages and wine at Sam’s Supermarket located at 3840 Stonewall Tell Road, College Park, GA 30349

The applicant for Andy Food Center, Inc., for an alcohol license for retail sales of malt beverages and wine at Sam’s Supermarket located at 3840 Stonewall Tell Road, College Park, GA 30349. Previously, there was a supermarket selling beer and wine already at this location. There was a change in ownership of the business and as required by law the new owner must apply for a new alcohol license. All applicable fees have been paid related to the alcohol license.

Application and/or location has been reviewed/inspected and approved by Code Enforcement; Fire Department; Zoning, Business Licensing, Fulton County Board of Education, and the South Fulton Police Department.

POLICE CHIEF RECOMMENDATION: APPROVAL

APPLICATION INFORMATION

Applicant Information:	Andy Food Center, Inc DBA Sam’s Supermarket 3840 Stonewall Tell Road College Park, GA 30349
City Council District(s):	1
Parcel ID Number:	14F0125LL0261
Square Footage:	
Existing Zoning:	C-1
Current/Past Use of Property	Food Center
History:	This request serves as the applicants first request. The property previously was a supermarket.

Cc: Corey Adam, City Clerk



City of South Fulton

Alcohol Beverage License Application and Information Packet



Revised 07/1/20

Att: O'Deria Bridges
Sams Supermarket

South Fulton Police Department

License and Permit Unit
5539 Old National Highway
College Park, GA 30349
470-809-7372
pdlicenses@cityofsouthfultonga.gov

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

APPLICATION INSTRUCTION SHEET

Incomplete or partial applications will not be accepted.

Please answer all questions on application legibly and appropriately in black/blue ink or typed. If a question does not apply to you, write "N/A" in the space provided.

The personal history statement must be completed by the owner/licensee/agent and corporate officers or major stakeholders of the business/organization with 20% or more of interest in business. Each person completing the personal history statement will pay the non-refundable fingerprint fee is \$55.00 per individual. Upon submission of a completed application you will be scheduled to get your fingerprints completed. Please do NOT show up to get fingerprints without an appointment.

If you are a corporation or LLC, copies of your certificate of incorporation/corporate charter/by laws, properly signed by the Secretary of State and the registered agent(s) for the corporation.

Application must be accompanied by a Federal Clearance Letter verifying the applicant/agent/licensee has no federal indictments or pending charges. The Federal Clearance Letter may be obtained from the Federal District Court (see the Clerk of Court) Richard B. Russell Building, 75 Ted Turner Drive, Atlanta, GA 30303. There is a cost of \$31.00 for the Clearance Letter - per name.

Application must be accompanied by a Certificate of Residency verifying Applicant/Agent/Licensee is a resident of the thirteen Metropolitan counties (Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale). Applicants may take the enclosed certificate of residency form to the Probate Court of the county in which they reside to have the form signed by clerk of court.

Application must be accompanied by Proof of Citizenship by secure and verifiable document as outlined in O.C.G.A. § 50-36-2 (i.e. in the form of government issued photo ID) and applicant must complete the enclosed Citizenship Affidavit for Public Benefits and E-Verify Affidavit.

Application must be accompanied by Survey of location prepared by a Registered Survey noting the distances per City Ordinance Sec. 16-4001. The survey must be of the proposed premises depicting the distance requirements as specified on the alcoholic beverage application (question #5). The survey must also state how the property was measured (from what point of the premises to what point of the measured location and the direction of measurement).

Application must be accompanied by a copy of your City of South Fulton current occupational tax certificate. Applicants may submit a copy a temporary occupational tax certificate however, a permanent occupational tax certificate must be received before your alcohol license application will be submitted for council for approval.

Application must be accompanied by a copy of a signed deed, lease, sublease, rental agreement, etc., authorizing applicant's use of location.

All applicants must disclose financial investments pertaining to the business operation. Financials include bank statements for the six months prior to filing application.

As part of the application process, the police department will arrange for the following inspections to be approved by the following entities: Fire, Health, School Board, Zoning and Code Enforcement. Applications will not be submitted to council for approval until all required inspections are completed.

Application must be accompanied by a drawing of the alcohol license premises including the customer service area (if restaurant, club, bar, etc.), to include measurements of total square footage of service area. Note: additional fees may apply for additional bar areas based upon layout of location.

As part of the application process, the police department will arrange for the advertisement of the public hearing regarding your application. The applicant is responsible for the advertisement fee of \$505. (see fee page for cost)

The City's Alcoholic Beverage Ordinance Sec.16-2017, requires alcohol awareness training to be completed by Applicant, Agent, Licensee and all employees who dispenses, sells, serves, takes orders or mixes beverages. See Ordinance for further or website at <https://www.cityofsouthfultonga.gov/2882/Alcohol-Awareness-Training>

If there are any questions concerning the completion of the application, please call the South Fulton Police License and Permit Unit for assistance at 470-809-7372 or pdlicenses@cityofsouthfultonga.gov.

Upon completing your application, you may submit it for review along with all required documents to the license and permit unit at pdlicenses@cityofsouthfultonga.gov. Once the application has been reviewed and all necessary documents are approved, an investigator will contact the applicant to schedule an appointment for the formal filing of the original application and supporting documents.



ALCOHOL LICENSE FEE SCHEDULE

The following alcohol license fees are hereby established and shall be payable by check, money order, or debit/credit card, as applicable, at the time of filing the application:

Administrative Fees:

Alcohol License Application Fee	300.00
All other Application Fees	\$150.00
Background / Fingerprint Fee	\$55.00
Advertising Fee.....	\$505.00
Fire Inspection Fee	\$75.00

LICENSE FEES:

Retail Consumption on Premises

Liquor	\$3200.00
Beer	\$650.00
Wine.....	\$650.00
Add' Bar/Lounges.....	\$1000.00
BYOB Wine.....	\$125.00
Wine & Malt Tasting (No Distilled Spirits).....	\$50.00

Note: Premises offering sale by the drink require an additional fee (16-2003) for the operation of each lounge, separate restaurant (with separate bar), or other place for consumption on the premises located within the same building covered by the initial license and under the same ownership. In addition to the initial license fee, an annual fee of \$1000.00 will be charged for each additional bar.

Special Permit Fees

Non-Profit Special Event, Beer, Wine & Distilled Spirits/Liquor.....	\$50.00
For-Profit Special Event Beer & Wine.....	\$125.00
For-Profit Special Event Distilled Spirits / Liquor	\$125.00
Annual Off Premises Catering License	\$200.00
Off Premises Per Event Catering Permit	\$50.00

Retail Package

Distilled Spirits /Liquor	\$3000.00
Beer	\$400.00
Wine.....	\$400.00

Temporary Alcohol License Fee

Distilled Spirits /Liquor (Sale/Consumption on Premises)	\$500.00
Beer and wine (Sale/Consumption on Premises)	\$250.00
Beer and Wine (Retail Package)	\$250.00

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

Wholesale:

Distilled Spirits / Liquor \$3500.00

Beer \$500.00

Wine..... \$500.00

Location Outside of City \$100.00

Manufacturer (Distillery):

Distilled Spirits/ Liquor \$4000.00

Beer \$500.00

Wine..... \$500.00

Microbrewery \$2000.00

Growler \$2000.00

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

PERSONAL STATEMENT

INSTRUCTIONS: This personal statement must be executed, under oath, by every person having any ownership or profit-sharing interest in or managing any place of business applying for a license from the City of South Fulton to sell or deal in alcoholic beverages. Each question must be fully answered. If the space provided is not enough, answer the question on a separate sheet and indicate in the space provided that such separate sheet is attached.

Applicant Name in FULL (Please Print) Zamilur Rahman
 Home Address: [REDACTED] Lawrenceville GA 30044
 Business Address: 3840 Stonewall Tell Road, College Park, GA 30349
 Place of Birth Syhet, Bangladesh Date of Birth [REDACTED] Age: [REDACTED]
 (City, State, Country) (Day, Month, Year)
 Race: [REDACTED] Height: 5.5 Weight: 165 Eye Color: Black U.S. Citizen Yes By Birth NO
 Hair Color: Black Social Security Number [REDACTED] Driver License Number: [REDACTED] State Issued by: GA
 Have you been convicted of any law? Federal: NO Foreign Country: NO State Law: NO and/or
 City Ordinance: NO if so, explain: _____

List names and addresses of employers for the past three (3) years: Shell gas station, 41 Big horn dr, Dawsonville
Dawsonville, 3979 Buford hwy Atlanta, Jasper farm mart, 1757 hwy 53 W Jasper

Single _____ Married X Widowed _____ Divorced _____ Separated _____
 (If married, divorced or widowed, complete the below requested information on spouse).

Syeda Begum [REDACTED]
 Full name of spouse / (Maiden Name) DOB

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Personal Statement and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Zamilur Rahman [Signature] 10-13-2020
 Applicant's Printed Name Applicant's Signature Date of Application

I hereby certify that Zamilur Rahman signed her/his name to the foregoing application stating to me that he/she knew and understood all statements and information contained therein and, under oath actually administered by me, has sworn that said statements and information are true and correct.

This 13th day of October, 20 20

Notary Public Signature: V. Patel (AFFIX SEAL)

Notary Printed Name: Vasudev Patel



RESIDENCE DETERMINATION FORM

Certificate of Residence For Retail Package Distilled Spirits Applicants Only

State of Georgia, _____ County
I, _____ Judge of the probate Court, for _____
County, Georgia, hereby certify that _____ is now and has been a Bona Fide Resident
of the state of Georgia for one year, and in the county of _____ for one year immediately
preceding the date of this affidavit, based upon the affidavit of applicant, and the evidence submitted therewith.
In Witness Whereof, I have hereunto set my hand and affixed the seal of said Probate Court this _____ day of _____, 20____.

Judge of the Probate Court

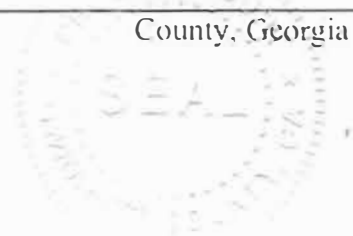
County, Georgia

Certificate of Residence For All Other Alcoholic Beverage License Applicants

State of Georgia, _____ GWINNETT _____ County
I, CHRISTOPHER A. BALLAR Judge of the probate Court, for GWINNETT
County, Georgia, hereby certify that ZAMILUR RAHMAN is now and has been a Bona Fide Resident of
the state of Georgia in the county of GWINNETT based upon the affidavit of applicant and the
evidence submitted therewith. In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Probate Court this 20 day of OCTOBER, 2020

Judge of the Probate Court

GWINNETT
County, Georgia



Save Affidavit
Affidavit Verifying Status for City Public Benefit
Pursuant to O.C.G.A. § 50-36-1(e)(2)

By executing this affidavit under oath, as an applicant for a(n) alcoholic license
 [type of public benefit], as referenced in O.C.G.A. § 50-36-1, from City of South Fulton [name of
 government entity], the undersigned applicant verifies one of the following with respect to my application for a
 public benefit:

- 1) ☒ I am a United States citizen.
- 2) ☐ I am a legal permanent resident of the United States.
- 3) ☐ I am a qualified alien or non-immigrant under the Federal Immigration and
 Nationality Act with an alien number issued by the Department of Homeland
 Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other
 federal immigration agency is _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has
 provided at least one secure and verifiable document, as required by O.C.G.A.
 § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

Certificated of naturalization [REDACTED]

In making the above representation under oath, I understand that any person who knowingly
 and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit
 shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by
 such criminal statute.

Executed in Lawrenceville (city) GA (state)

[Signature]
 Signature of Applicant

Zamir Rahman
 Printed Name of Applicant

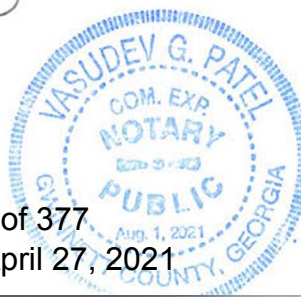
SUBSCRIBED AND SWORN BEFORE
 ME ON THE

13 DAY OF October, 2020

V. Patel

NOTARY PUBLIC

My Commission Expires: 08/01/2029



E-Verify Affidavit

Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1.

Please check only one:

- (A) X On January 1st of the below signed year, the individual, firm, or corporation employed more than ten (10) employees.
- (B) _____ On January 1st of the below signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

*** If the employer selected Section 1(A), please fill out Section 2 below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. §36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Andy Food Center INC
Name of Private Employer

Federal Work Authorization User Identification Number

05-26-2020
Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed on this day 13 of October, 2020 in Lawrenceville (city), GA (state).

[Signature]
Signature of Authorized Officer or Agent

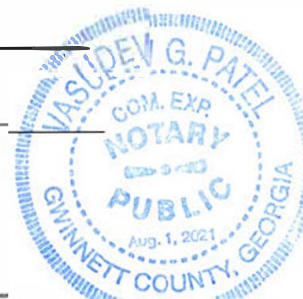
Zamir Rahman Owner
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE 13 DAY OF October, 2020.

[Signature]
NOTARY PUBLIC

My Commission Expires: 08/01/2021



CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



REGISTERED AGENT DESIGNEE FORM

Licensed establishments that are corporations and limited liability companies may have a "Registered Agent" upon whom any process, notice, or demand required or permitted by law or under the City of South Fulton Alcoholic Beverage Code to be served upon the licensee or owner. The registered agent, who is designated by a licensee, must submit to a fingerprint criminal background check and complete the personal statement form. The registered agent must be a resident of Fulton County, Georgia. The registered agent must obtain the certificate of residency enclosed.

Name: _____
(Full Printed Name No Initials)

Sex: _____ Race: _____ Date of Birth: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Phone# _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone# _____

I hereby certify that I agree to serve as the "registered agent" on behalf of

a business located at

_____, City of South Fulton, Georgia.

As registered agent, I agree to accept any process, notice or demand required or permitted by law or under the Alcoholic Beverage Code of the City of South Fulton, Georgia, to be served upon the licensee or owner. I understand that such service upon me will serve as legal notice upon the licensee or owner and that it is my responsibility to forward such service to the owner or licensee.

SIGNATURE OF APPLICANT

DATE

PRINTED NAME OF APPLICANT

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC PRINTED NAME

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

SECTION 1: Licensee/Agent Zamir Rahman **For the year** 2020 **Date** 9-22-2020

All applications must be typed or printed in black/Blue ink. Each question must be completely and correctly answered. If the space provided is not sufficient, attach additional sheets. Applications must be signed, dated, notarized and filed with the South Fulton Police Department. All required supporting documents must be attached.

Type of License Applying For: (Check All That Apply)

☐ New License ☒ Change of Ownership ☐ New Location ☐ Other. Please Specify: _____

Please select the beverages to be sold: (Check All That Apply)

☒ BEER ☒ WINE ☐ DISTILLED SPRITS/LIQUOR

Please select the category that best describes the business for which this application is being submitted.

☐ Retail Package Store ☐ Convenience Store ☐ BYOB (Wine only) ☐ Restaurant (3% for excise taxes)
☐ Growler ☒ Supermarket ☐ Microbrewery ☐ Gas / Drug / Dry Goods Store
☐ Importer ☐ Manufacturer ☐ Wholesale ☐ Public Entertainment Facility
☐ Hotel / Hotel Suites ☐ Night Club / Bar / Lounge (3% excise tax) ☐ Tasting (Wine/Malt)

Other. Please Specify. _____

Activities Proposed for Premises (check all that apply)

☐ Customer Dancing ☐ Live Entertainment ☐ Adult Entertainment

If a Private Club: (1) Submit the salaries and other benefits received by each officer, trustee and employee; (2) Attach A copy of 501(c) Internal Revenue Code tax exempt documentation; (3) Attach membership application and copy of member list.

1. Is applicant: ☒ Sole Proprietorship ☐ Partnership ☐ Corporation ☐ LLC
2. Legal Name of Business: Andy Food Center Inc.
 Operating/Trade Name of Business: Sam's Supermarket
 Has location had an alcohol license within the last 12 months? ☒ Yes ☐ No 30349
3. Business Address: 3840 Stonewall Tell rd, College Park Council District: South Fulton
 (Street Address, City, State Zip)
4. Billing Address: [REDACTED] Lawrenceville GA 30044
5. Proposed Location Zoned: Grocery Store
6. A. Distance from closest private residence in any direction: 275' to house @ 3916 Stonewall Tell
 B. Distance from closest college campus or school ground: 5100' to Stoen Tel elementary
320' to Stone Academy
9200' to Wolf Creek library
1910 to first Baptist Church of Clif
 C. Distance from closest branch of any South Fulton Public library:
 D. Distance from closest church or place of worship:
 E. Distance from closest regular school bus stop as designated by
 Fulton County Board of Education for pick-up or drop-off
 school children in transport to the public schools of City of South Fulton. 1600' to stop @ Marsham Drive marshweed court

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

SECTION 2:

1. Full name of applicant (Company/Corporation) Andy Food Center INC
2. Full name of Licensee/Agent: Zamilur Rahman
- Licensee/Agent Social Security Number: [REDACTED]
- Date of Birth and Place of Birth: [REDACTED] Bangladesh
- Citizen of the USA? ☒ Yes ☐ No Alien Number: _____
- Resident of Georgia? ☒ Yes ☐ No Years 15 County Clint
- Home Address: [REDACTED]
- Lawrenceville City Ga State 30044 Zip Code
- Telephone Number: Home: [REDACTED] Business: (770) 495-2367
- Email Address: [REDACTED]
- Hours said Licensee/Agent will actively be on the premise: 30 to 40 hr a week
- List duties of Licensee/Agent: Managing the store and making sure everything is running the way it's supposed to
3. Full Name of Spouse, Including Maiden Name: Syed Begum
- Date of Birth and Place of Birth: [REDACTED]
- Hours Spouse on Premises: None
4. Licensee's/Agent's Business interest(s), occupation(s) and employment for the past ten (10) years

COMPANY	ADDRESS (CITY & STATE)	POSITION	DATES
Then Bndu Investment	[REDACTED]	owner	2016 - 2017
SAZASA Investment	[REDACTED]	owner	2017 - 2019
Ocean air	[REDACTED]	Server/ Bar tender	2010 - 2016

5. Does Licensee/Agent, or any Partner(s), Corporation Officer, Principle Shareholder(s), Trustee(s) or Spouse have, within the preceding ten (10) years, any conviction for the violation of any federal, state or Local laws, Ordinances or Regulations, or does said person have current proceeding for violation of any Federal, State or Local laws, ordinances or regulations? ☐ Yes ☒ No
6. For the purpose of this question, the term – conviction shall include an adjudication of guilt, a plea of guilty, a plea of nolo contendere, the forfeiture of a bond or adjudication by pre-trial intervention.

PERSON CHARGED	DATE	OFFENSE	LOCATION	DISPOSITION
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

7. Does Licensee/Agent or any member of the Partnership, Corporation or Stockholder currently hold an Alcohol license (including a server permit)? ☐ Yes ☒ No
8. Has Licensee/Agent or any member of the Partnership or Corporation or Stockholder ever applied for an Alcoholic Beverage license (or work/server/pour permit) and been denied, suspended, or revoked? ☒ No ☐ Yes
If yes check which type ☐ denied ☐ suspended ☐ revoked

If yes, please check the appropriate status above and explain _____

9. Full Name of Manager: Zamirur Rahman (owner/manager)
Social Security Number of Manager: [REDACTED]
Date of Birth and Place of Birth: [REDACTED], Bangladesh
Home Address: [REDACTED] Lawrenceville, GA 30046
Telephone Number: Home: [REDACTED] Business: (770) 495-2367
E-mail Address: [REDACTED]

10. Hours said manager will be on the premise: 30 to 40 hr a week
11. What is the manager's business experience? Been managing for last 10 yrs
12. Has the manager worked in this or a similar capacity? ☒ Yes ☐ No
If yes, explain: managed to gas station and a convenient store from 2010

FINANCIAL BACKGROUND INFORMATION ON APPLICANT, MANAGER AND OWNERS

13. Applicant's full name (Company/Corporation) Andy Food Center INC
If a Corporation, Date of Incorporation: 05-25-2020 Taxpayer Id# [REDACTED]
14. If a Corporation, indicate the following for all Officers, members of the Board of Directors, Trustees and principal stockholders. If a Partnership, include all partners. (Complete all information requested for each person).

NAME	ADDRESS	DOB	SSN	POSITION	% INTEREST
Zamirur Rahman	[REDACTED]	[REDACTED]	[REDACTED]	owner	100

If operating as a partnership, submit a copy of all partnership agreements. If corporation, attach a copy of all Articles of Incorporation, By-laws and amendments thereto, minutes of any corporation meetings within the last twelve (12) months.

15. State the amount and source of funds that have or will be invested by each individual who has an interest in the business. If a Corporation or Partnership, list each individual separately.

NAME	AMOUNT INVESTED	SOURCE OF FUNDS	DATES
Zamir Rahman		Owner Fings	6-12-2020

16. Bank accounts and assets in the name of licensee/agent and/or maintained by the licensee/agent, whether individual, partnership or corporation. (Provide copies of account statements)

TYPE	BANK	CITY & STATE	LAST 6 OF ACCOUNT#	AMOUNT
Business Account	Wells Fargo	Lawrenceville, GA		

17. Has Licensee/Agent, Spouse or any person having an interest in the business received, directly or indirectly, any financial aid or assistance, to include land, fixtures, equipment, etc., from any manufacturer or wholesaler of alcoholic beverages? ☐ Yes ☒ No If yes, please specify.

NAME	ADDRESS	AMOUNT/ITEM	DATE
N/A			
N/A			
N/A			

18. List any other individual(s) or firm(s) owning any interest in or receiving any funds from the operation of the business or on the premises. This includes cigarette machines, game machines, billiard tables vendors, etc.

19. List any financial interest or ownership which Licensee/Agent or any member of the partnership or corporation or stockholder presently has in any other alcoholic beverage license in the state of Georgia.

NAME	NAME AND ADDRESS OF PREMISES	POSITION	% OF INTEREST
N/A			
N/A			
N/A			

20. List all assets which will be used or converted for use as an investment in the business and/or all sources of funding used to capitalize and/or operate the Business.

LICENSED PREMISES

21. Do you own the property where the business is located?

☐ Yes☒ No

If yes:

Date of Purchase _____ Purchase Price _____

Name of Seller: _____

22. If property is rented/leased provide owner's name and address:

Maxis Lue, 767 Hill Street, Atlanta GA 30315

Amount of rent/lease:

Monthly 3500.00 Annually 42,000.00 Other (specify) _____

(Submit copy of signed lease agreement, deed, sublease, etc.)

23. Has a license at this location ever been denied, suspended, or revoked? ☐ No ☒ Yes☐ denied, ☐ suspended or ☐ revoked

If yes, check the appropriate status above and explain: _____

24. Is business located in a hotel or motel?

☐ Yes☒ No

If yes, name of Hotel or Motel _____

25. If the business is to be operated as a department inside of premises where another business is operating, give details of the existing business. _____

N/A

26. What will be your business/operating hours?

M - S 7am to 10pm Sunday 8am to 10pm

27. Where will your trash receptacle be located?

Trash can will be all over the store and big one will be outside behind the building

28. What arrangements have you made for trash removal?

Trash company

29. How often will you clean your property?

Every day

30. What is your plan for sanitation (clean water and sewage disposal) on the premises?

Public sewage and got bathroom hot water and sanitizer in the store

31. What is your plan for unlawful conduct on the premises?

try to handle it best of my knowledge if I can't call the law

32. What is your plan for fire prevention on the premises?

Fire exit throw out the stores fire smogush throw out the store as well

33. What type of security do you plan to have?

ATT

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

34. Do you offer your employees training with respect to items covered by the alcohol code? ☒ Yes ☐ No

If **yes**, what type of training and how do you plan to prevent the selling to and consumption by underage consumers of alcohol and tobacco products on your premises? check ID All the time, pay attention to the customer that are not drunk while buying

35. What type of buffering do you have, or will you provide to alleviate the effects of noise, lighting, odors, traffic or other nuisances on surrounding properties? Odors

36. What plans do you have to prevent un-permitted vending on your property?

try to handle it best on my knowledge or get expert help.

37. Describe the traffic and pedestrian ingress and egress to/from the property and to/from any existing or proposed structure on the property. Location is around 100 feet by the road straight front of the entrance.

ON PREMISES CONSUMPTION LICENSE

If you are applying for an on-premises alcoholic beverage consumption license, please complete questions 38-44.
If not, please skip ahead to question 45.

38. Seating Capacity: ☐ Restaurant ☐ Bar ☐ [] Other ☐
☐ Brewpub ☐ Brewery ☐
☐ Lounge ☐ Winery ☐
☐ Private ☐ Nightclub ☐

39. Describe kitchen Facilities: _____

List number of Employees: 3 Cooks _____ Waiters/Waitress _____ Other employees _____ Alcohol Servers _____

A copy of your menu must be included with this application.

40. Is business air conditioned? ☒ Yes ☐ No

41. Will you have live entertainment? ☐ Yes ☒ No

42. What percentage of revenues do you expect to come from food sales? N/A from alcohol? \$5,000 min

43. What is the total square footage of the licensed premises? 4500 sq Feet

44. How many parking spaces are you required to have? I have 30 parking space

Does the location have on-site parking? ☒ Yes ☐ No How many spaces? 30

If no or if parking is insufficient, what arrangements have you made for parking? _____

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

RETAIL PACKAGE LIQUOR LICENSE (selling liquor, beer, & wine)

If you are applying for a package liquor license, please complete questions 45-47.
If not, please skip ahead to question 48.

45. Do you propose to operate this store solely as a package liquor store? ☐ Yes ☒ No

46. Does the Licensee/Agent, Spouse, or any other owner(s), partner(s) or stockholders have an interest in other retail liquor stores? ☐ Yes ☒ No

NAME	NAME & LOCATION OF BUSINESS	POSITION	% INTEREST
N/A			
N/A			
N/A			

47. Do you or your spouse or any partner or stockholder have any financial interest in any wholesale liquor business?

☐ Yes ☒ No

If yes, give details: _____

RETAIL BEER AND OR WINE LICENSE (selling beer & wine only)

If you are applying for a retail beer and or wine license, please complete questions 48-50.
If not, please skip ahead to next page.

48. Are you (the applicant) or any member of your family the owner, lessor or sub-lessor of any real estate which is occupied by a retail package (liquor) store? ☐ Yes ☒ No

If yes, list locations, information as to any lease or rental agreement, amount of rent received, and to whom.

LOCATION	LEASE/RENTAL AGREEMENT INFORMATION	AMOUNT OF RENT	LESSOR
N/A			
N/A			
N/A			

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

49. Are you or any member of your family the Executor, Administrator, Beneficiary or Heir of **any estate having any interest** in retail package (liquor) store? ☐ Yes ☒ No

If yes, list location(s), amount of interest and your relationship with the estate:

LOCATION(S)	% INTEREST	YOUR RELATIONSHIP TO ESTATE
N/A		
N/A		
N/A		
N/A		

50. Are you or any member of your family the beneficiary or trustee of **any trust fund having any interest** in a retail package (liquor) store? ☐ Yes ☒ No

If yes, give your position, the name of the trust and the amount of income that you receive.

POSITION	NAME OF TRUST	INCOME RECEIVED
N/A		
N/A		
N/A		
N/A		



CERTIFICATION

I have received a copy of the City of South Fulton Alcoholic Beverage Ordinances and I have read it and agree to adhere to all applicable City of South Fulton Ordinances, Georgia state laws and regulations governing the operation of establishments that serve and/or sell alcoholic beverages? ☒ yes ☐ no

I understand it is the responsibility of the applicant/licensee/agent to ensure that all licenses to sell alcoholic beverages are renewed no later than December 15th of each year or I will have to apply for a new alcohol license. ☒ yes. ☐ no

I understand that a state license must be obtained before any alcoholic beverage can be served or sold in the City of South, (this includes Alcoholic Beverage Manufacturers). I further understand that the state license is obtained **after** the city license is obtained and I am responsible for contacting the Georgia Department of Revenue to obtain a state alcohol license.

☒ yes. ☐ no

I understand that I am required to pay alcohol excise tax in accordance with City of South Fulton Ordinance, Title 16 Alcoholic Beverages, and failure to pay excises taxes imposed by this ordinance will be grounds for suspension or revocation of my alcohol license. ☒ yes. ☐ no

I, the undersigned, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Alcoholic Beverage Sales and Service and in any and all documents provided in support of this application are true and accurate. I further understand that any false statements provided by me or my representatives as part of this application, beyond any legal penalties, will result in the denial of the subject application.

Zamilur Rahman
SIGNATURE OF APPLICANT

10-13-2020
DATE

Zamilur Rahman
PRINTED NAME OF APPLICANT

~For Notary~

I hereby certify that Zamilur Rahman signed her/his name to the foregoing application stating to me the he/she knew and understood all statements and information contained therein and, under oath actually administered by me, has sworn that said statements and information are true and correct.

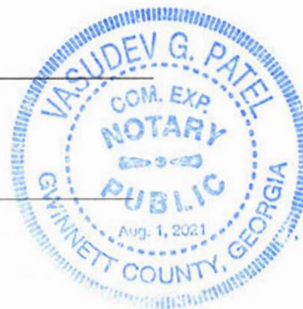
SWORN TO AND SUBSCRIBED

BEFORE ME THIS 13th DAY OF October 2020

V. Patel
NOTARY PUBLIC SIGNATURE

VASUDEV PATEL
NOTARY PUBLIC PRINTED NAME

Date Revised: 07/1/2020



CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



APPLICANT PRIVACY RIGHTS

As an applicant that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. § 35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

If you decide to challenge the accuracy or completeness of your Georgia or FBI criminal history record, you should send your challenge to the agency that contributed the questioned information. Alternatively, you may send your challenge directly to GCIC provided the disputed arrest occurred in Georgia. Instructions to dispute the accuracy of your criminal history can be obtained at the GBI website (<http://gbi.georgia.gov/obtaining-criminal-history-record-information>).

Z.P.

2018-05 Attachment A

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine Uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

A handwritten signature in blue ink, appearing to read "Z. Almon", is written over a yellow highlight.

2018-05 Attachment B

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



TITLE 28 CFR 16.30 THROUGH 16.34

§ 16.30 Purpose and Scope

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.

§ 16.31 — Definition of identification record An FBI identification record, often referred to as a "rap sheet," is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

§ 16.32 — Procedure to obtain an identification record

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-in-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

§ 16.33 — Fee for production of identification record

Each written request for production of an identification record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency. Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the *Federal Register*.

§ 16.34 — Procedure to obtain change, correction or updating of identification records

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned 2018-05 Attachment C information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

Z.R.

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



Criminal History Record Information Consent/Inquiry Form ALCOHOL LICENSE



I hereby authorize City of South Fulton Police Department to conduct an inquiry for the purpose of eligibility of my alcohol license as listed below and receive any Georgia and/or national criminal history record information as authorized by state and federal law.

Full Name (print)	<u>Zamilur Rahman</u>		
Any other name used (i.e. maiden name)	<u>N/A</u>	Place of Birth <u>Bangladesh</u>	
Home Address	[REDACTED]		
Name of Business	<u>Andy Food Center Inc d/b/a Sam's Supermarket</u>		
Address of Business	<u>3840 Stonewall Tey rd, college park 30349</u>		
Gender	Race	Date of Birth	Social Security Number
<u>Male</u>	[REDACTED]		

☒ I, Zamilur Rahman, give consent to the above-named entity to perform periodic criminal history background checks for the duration of my tenure as agent, licensee, or member of this establishment listed above.

☒ I, Zamilur Rahman, confirm that I have received a copy of the Privacy Act Statement, Applicant's Privacy Rights and Title 28 CFR 16.30 through 16.34. I further confirm, that I have read and understand these guidelines.

Zamilur Rahman
Signature

09-21-2020
Date

Date of Inquiry: _____ Time of Inquiry: _____ Operator's Initials: _____
Purpose Code Used: (check all that apply)

☐	E- Employment
☐	J- Civilian Criminal Justice Employment (State & III Info Received)
☐	W- Working with Children
☐	Z- Sworn Criminal Justice Employment (State & III Info Received)

The inquiry resulted in the following: (check all that apply)

☐	No Criminal Record Available
☐	Criminal Record (Attached/Released)
☐	No NCIC/GCIC Warrant
☐	Possible NCIC/GCIC Warrant (List Wanting Agency Below)

Wanting Agency Name: _____
Wanting Agency Telephone Number: _____

Print Agency Designee Name and Title

Date

Agency Designee Signature

Date Revised: 07/1/2020

22

PRIMARY CHECKLIST FOR ATTACHMENTS**For All Alcohol License Types**

- ✓ Application Form
- ✓ Personal Statement Form for each Sole Owner, Partner, Member, Officer, Director, Majority Stockholder (Private Corporations), and Manager (with 20% interest in business) **with a clear, current, front and back copy of identification document.**
- ✓ For U.S. citizens: driver's license or state issued photo identification
- ✓ For permanent residents: permanent resident card
- ✓ Citizenship Affidavit for Public Benefits
- ✓ E-Verify Affidavit
- ✓ Copy of 6 months financials
- ✓ Registered agent designee form with copy of registered agent's driver's license attached **registered agent must be a Fulton County resident**, and complete the certificate of residency form.
- ✓ Copy of Georgia Secretary of State documents for LLCs & corporations (certificate & articles) **or** partnership agreement for partnerships
- ✓ Site plan (or proposed plan & specifications & building permit if not yet built)
- ✓ Certified report of survey from registered land surveyor – or – professional engineer indicating distance requirements as outlined in City of South Fulton Title 16 Alcoholic Beverage Ordinance.
- ✓ Certified scale drawing showing location and distance to closest school buildings, educational buildings, school grounds, colleges and/or any church buildings
detailed floor plan, drawn to scale
- ✓ Copy of occupational tax certificate from City of South Fulton
- ✓ Criminal History Record Information Consent/Inquiry Form for each Sole Owner, Partner, Member, Officer, Director, Majority Stockholder (Private Corporations), and Manager (with 20% interest in business).
- ✓ Copy of Alcohol Awareness Certificate

(Note: Fees will be assessed and an invoice provided to applicant, please do not write checks or cashier checks until you receive an invoice with requisite fees.)

Additional Requirements

If the applicant is a franchise, provide everything from the Primary Checklist and:

Signed franchise agreement or contract.

If this is a change in ownership, provide everything from the Primary Checklist and:

Signed sale/purchase agreement .

If the location is a bona fide eating establishment, provide everything from the Primary Checklist and:

Copy of menu(s)

If the location is a bona fide private club, provide everything from the Primary Checklist and:

Proof of membership in the form of a list showing paid active members, copy of minutes from prior year's annual meetings, and listing of salaries for members, officers, agents or employees.

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE

FOR POLICE LICENSE & PERMIT UNIT USE ONLY

Date Application Received 12-1-2020

(This Section Must Be Date and Time Stamped)

Kay LESTER
Print Investigator Name Receiving Application

[Signature]
Signature of Investigator



South Fulton Police Department

5440 Fulton Industrial Blvd - Atlanta, Georgia - 30336-470-809-7300

Keith Meadows
Chief of Police

October 30, 2020

City of South Fulton Code Enforcement Department
ATTN: Brian Morris

5440 Fulton Industrial Blvd SW
Atlanta, GA 30336

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. In order to proceed, the listed business must pass a Code Enforcement Inspection. Please complete the form below and return this form to the person listed below.

This business is applying for the following alcohol license(s):

- | | | | |
|-------------------------------------|-------------------------|--|--|
| ☐ | Consumption on Premises | | |
| ☐ | Beer | ☐ Wine | ☐ Distilled Spirits |
| ☒ | Retail | | |
| ☒ | Beer | ☒ Wine | ☐ Distilled Spirits |

Business Information:

Andy Food Center Inc.
Sam's SuperMarket
3840 Stonewall Tell Road, College Park, GA 30349
Zamilur Rahman
(770) 495-2367

For Code Enforcement Use Only

Date of Inspection: 11/02/2020

☒ Location above **MEETS ALL** City of South Fulton Code Enforcement Requirements

☐ Location does **NOT** meet City of South Fulton Code Enforcement Requirements

If not, briefly explain reason: _____

Paul Muhammad

Print Name of Code Enforcement Inspector

Code Enforcement Inspector Signature

Brian C. Morris
Brian C. Morris (Nov 2, 2020 15:18 EST)

Brian C. Morris

Print Name of Department Head

Department Head Signature

Return form via email to: Police License and Permits @ pdlicenses@cityofsouthfultonga.gov



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336 · 470-809-7300

Keith Meadows
Chief of Police

December 2, 2020

City of South Fulton Planning & Zoning Section
ATTN: Dana Gray

5440 Fulton Industrial Blvd SW
Atlanta, GA 30336

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. In order to proceed, the listed business must pass a Zoning Compliance Inspection. Please complete the form below and return this form to the person listed below.

This business is applying for the following alcohol license(s):

- | | | | |
|-------------------------------------|--|--|--|
| ☐ | Consumption on Premises | | |
| | ☐ Beer | ☐ Wine | ☐ Distilled Spirits |
| ☒ | Retail | | |
| | ☒ Beer | ☒ Wine | ☐ Distilled Spirits |

Business Information:

Andy Food Center Inc.
Sam's SuperMarket
3840 Stonewall Tell Road, College Park, GA 30349
Zamilur Rahman
(770) 495-2367

For Planning & Zoning Use Only

Date of Compliance Inspection: 12/21/2020 Parcel ID Number: 14F0125LL0261

Location is Zoned for: SuperMarket

Current/Past Use of the Property: Food Center

☒ Location above **MEETS ALL** zoning and alcohol license zoning requirements of the City of South Fulton.

☐ Location above does **NOT** meet zoning and alcohol license zoning requirements of the City of South Fulton.
If not, briefly explain reason below:

Dana Gray

Print Name of Zoning Planner

Shayla Reed

Print Name of Department Head

12/22/2020

Zoning Planner Signature

12/23/20

Department Head Signature

Return form via email to: Police Licenses @ pdlicenses@cityofsouthfultonga.gov



AG-1

C-1

4525

AG-1

C-1 C-1

C-1

3820

3840

3850

C-1

3860

3850

3825

C-1

C-1

4545

4564

C-1

4570

200ft

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMIE SADDLER JONES
CITY MANAGER



SHAYLA REED
DIRECTOR

Zoning Policy Brief & Impact Analysis

Andys Food Center Inc.
Sam's SuperMarket
3840 Stonewall Tell Road
College Park, GA 30349
Existing Zoning: C-1
Zoning Petition Number: 1957Z-0055

The applicant submitted an alcohol permit application to the City of South Fulton Police Department for a SuperMarket business. The City defines a Supermarket as a self-service retail market selling especially foods and household merchandise. This a change of ownership application which is compliant with the § 3-3-21- states (Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application.)

Pursuant to Georgia State Law, Zoning Proposal Review Standards are outlined in § 36-67-3. These standards mandate: in any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The Zoning professional found the parcel number; 14F0125 LL0246 located at 3840 Stonewall Tell Road

- a. is compatible with the City's Zoning Ordinance as the existing zoning condition for the property is C-1 (Community Business District)

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

- a. The Zoning professional approved the application due to the following facts:
 - i. This is an existing business and are proceeding with a change of ownership that is within the 12-month period and is considered a grandfathered use

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

- a. The Zoning application indicates that the project has reasonable economic use as indicated by the issuance of a City of South Fulton Business License# 20000462 that was issued to the business on 7/16/2020.

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

- a. The Zoning professional concluded that the use of a Supermarket which is existing is consistent with allowable uses for the site and this activity would not cause an excessive burden on existing streets, transportation facilities, utilities, or schools.

(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

- a. The Zoning Professional concluded that the project conforms with the existing conditions within the South Fulton Zoning Ordinance C-1 (Community Business District) zoning district.
- b. Article 206.02 Table 2-4, C-1 (Community Business District) scope and intent. Regulations set forth in this section are the C-1 District regulations. The C-1 District is intended to provide locations in which community and regionally oriented retail and services activities conclude a transition, or locations which compliment a transition into a more intense activity area. The C-1 District is particularly encouraged in areas designated by the Comprehensive Plan Land Use Map as suitable for commercial (including retail, service commercial and office) uses and in Living-Work corridors.

(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

- a. The Zoning professional found no conditions that would constitute disapproval of the proposal. As a result, the Zoning professional attested to the application for compliance and rendered a Zoning Approval pursuant to a zoning compliance inspection on December 21, 2020. The approval signature is affixed as part of the completed application.

Conclusion: The Department of Community Development and Regulatory Affairs can attest to the fact the application submitted by Andy's Food Center Inc. Sam's SuperMarket located at 3840 Stonewall Tell Road College Park, GA 30349; has met the City of South Fulton requirements outlined in the alcohol permit application. The following departments have reviewed this application: South Fulton Code Enforcement Division of Community Development and Regulatory Affairs; South Fulton Fire Department; South Fulton Police Department; South Fulton Zoning Division of Community Development and Regulatory Affairs; Fulton County Public Schools; and South Fulton Business License Division of Finance.



South Fulton Police Department

5440 Fulton Industrial Blvd • Atlanta, Georgia 30336-470-809-7300

Keith Meadows
Chief of Police

December 1, 2020

ATTN: LaShayne Taylor
City of South Fulton Business License
5440 Fulton Industrial Blvd SW
Atlanta, GA 30336

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. In order to proceed, the listed business must possess a current City of South Fulton Business License. Please complete this form and return to the person listed at the bottom of the form below.

This business is applying for the following alcohol license(s):

- | | | | |
|-------------------------------------|--|--|--|
| ☐ | Consumption on Premises | | |
| | ☐ Beer | ☐ Wine | ☐ Distilled Spirits |
| ☒ | Retail | | |
| | ☒ Beer | ☒ Wine | ☐ Distilled Spirits |

Business Information:

Andy Food Center Inc.
Sam's SuperMarket
3840 Stonewall Tell Road, College Park, GA 30349
Zamilur Rahman
(770) 495-2367
[REDACTED]

For Business License Use Only

- ☒ Location above **HAS** a current and valid occupational tax certificate and meets all of the business and occupational tax ordinance of the City of South Fulton. **A copy of the occupational tax certificate is attached.**
- ☐ Location above does **NOT have an occupational tax certificate with the City of South Fulton.**
If additional explanation is required, briefly explain below:
-
-

LaShayne Taylor
LaShayne Taylor (Dec 2, 2020 10:17 EST)

Print Name of Business Tax Specialist

Frank S. Milazi
Frank S. Milazi (Dec 7, 2020 18:48 EST)

Print Name of Department Head

LaShayne Taylor
LaShayne Taylor (Dec 2, 2020 10:17 EST)

Business Tax Specialist Signature

Frank S. Milazi
Frank S. Milazi (Dec 7, 2020 18:48 EST)

Department Head Signature

Return form via email to: Police License and Permits @ pdlicenses@cityofsouthfultonga.gov

CITY OF SOUTH FULTON - OCCUPATIONAL TAX CERTIFICATE

COSF Business License
5440 Fulton Industrial Blvd
Atlanta, GA 30331



License Id: [REDACTED] **Issued Date:** 07/16/20
Effective Date: 07/16/20 **Expiration Date:** 12/31/20
License Type: Supermarkets and Other Grocery

Business Name: Andy Food Center Inc.
Business Location: [REDACTED] newall Tell Rd

Andy Food Center Inc.
Sam's Supermarket
Zamilur Rahman
3840 Stonewall Tell Rd
College Park, GA 30349
[REDACTED]

2020

NON-TRANSFERABLE

TO BE PLACED IN A CONSPICUOUS PLACE

License Id: [REDACTED] **Issued Date:** 07/16/20
Effective Date: 07/16/20 **Expiration Date:** 12/31/20
License Type: Supermarkets and Other Grocery

2020

Business Name: Andy Food Center Inc.
Business Location: 3840 Stonewall Tell Rd

Andy Food Center Inc.
Sam's Supermarket
Zamilur Rahman
3840 Stonewall Tell Rd
College Park, GA 30349

FILE COPY



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336 · 470-809-7300

Keith Meadows
Chief of Police

October 30, 2020

City of South Fulton Fire Department
ATTN: Office of the Fire Marshal

City of South Fulton Fire Department
5440 Fulton Industrial Blvd SW
Atlanta, GA 30336

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. To proceed, the listed business must pass a Fire Inspection. Please complete the form below and return this form to the person listed below.

This business is applying for the following alcohol license(s):

- | | |
|--|--|
| ☐ Consumption on Premises | ☐ Distilled Spirits |
| ☐ Beer | ☐ Wine |
| ☒ Retail | ☐ Distilled Spirits |
| ☒ Beer | ☒ Wine |

Business Information:

Andy Food Center Inc.
Sam's SuperMarket
3840 Stonewall Tell Road, College Park, GA 30349
Zamilur Rahman
(770) 295-2367

For Fire Use Only

Date of Inspection: 12-4-2020

☒ Location above **MEETS ALL** City of South Fulton Fire Ordinance and Fire Codes

☐ Location **does NOT** meet City of South Fulton Fire Ordinance and Fire Codes

If not, briefly explain reason: _____

Andre Eberhart
Print Name of Fire Inspector

Andre Eberhart
Fire Inspector Signature

Donna Kaye Dingle
Print Name of Department Head

Donna Kaye Dingle
Department Head Signature

Return form via email to: Police Licenses and Permits @ pdlicenses@cityofsouthfultonga.gov



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336
Phone: (470) 809-7300

Keith Meadows
Chief of Police

February 3, 2021

To: ABL File
South Fulton Police Department
5440 Fulton Industrial Blvd SW
Atlanta, GA 30336

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. In order to proceed, the listed business must pass a Background Investigation. Please complete the form below and place in file folder.

This business is applying for the following alcohol license(s):

- [] Consumption on Premises
_____ Beer _____ Wine _____ Distilled Spirits
- [X] Retail
X Beer _____X_ Wine _____ Distilled Spirits

Business Information:

Andy Food Center, Inc
Dba Sam's Food Mart
3840 Stonewall Tell Road, College Park, GA 30349
Owner: Zamilur Rahman
Phone: 404-643-0387

For Law Enforcement Use Only

Date Background Investigation Completed: November 13, 2020

- [X] The Applicant listed above has met the requirements of the background investigation.
[] The Applicant listed above does **NOT** meet the requirements of the background investigation.

If not, briefly explain reason: _____

Kay Lester
Print Name of Investigator

[Signature] 2/3/21
Investigator Signature

Place Form in Police ABL File

COMMUNICATIONS

Call Time	Event ID	Rpt #	Street	Nature	Busine
12/05/2019 08	2019455624		3840 STONEWALL TELL RD	90R RESIDENTIAL	SEW IT
12/14/2019 09	2019467461		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
12/16/2019 19	2019470543	2019016699	3840 STONEWALL TELL RD	79 STEALING AUT	SEW IT
12/21/2019 03	2019476552	2019016953	3840 STONEWALL TELL RD	45 INVESTIGATE	SEW IT
03/26/2020 15	2020112816		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
04/21/2020 00	2020140885		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
05/12/2020 22	2020167443		3840 STONEWALL TELL RD	54 SUSPICIOUS P	SEW IT
06/19/2020 20	2020214673		3840 STONEWALL TELL RD	54 SUSPICIOUS P	SEW IT
06/19/2020 20	2020214704		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
06/19/2020 21	2020214780		3840 STONEWALL TELL RD	54 SUSPICIOUS P	YOUNG
07/22/2020 12	2020254110		3840 STONEWALL TELL RD	22 VANDALISM OR	
07/25/2020 03	2020257492		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
07/30/2020 13	2020263758		3840 STONEWALL TELL RD	56 LOST PERSON	
08/04/2020 21	2020270063		3840 STONEWALL TELL RD	90B BUSINESS CH	SEW IT
09/04/2020 19	2020310699		3840 STONEWALL TELL RD	29 FIGHT OR DOM	SEW IT
09/12/2020 23	2020321019		3840 STONEWALL TELL RD	23 DISORDERLY C	SEW IT
09/17/2020 09	2020326323		3840 STONEWALL TELL RD	41 AUTOMOBILE A	
11/13/2020 18	2020396766		3840 STONEWALL TELL RD	29 FIGHT OR DOM	SEW IT



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336

Phone: (470) 809-7300

Keith Meadows

Chief of Police

December 22, 2020

Fulton County School Board

ATTN: Dondrell Haines

Transportation Supervisor/Operations

Fulton County Schools System

55 Heath St. Fairburn, GA. 30213

The business listed below has applied for an Alcoholic Beverage License with the City of South Fulton. In order to proceed, the listed business must verify compliance of distance from the nearest school and school bus stop. Please complete the form below and return this form to the person listed below.

This business is applying for the following alcohol license(s):

- | | | | |
|-------------------------------------|-------------------------|-------------------------------------|-------------------|
| ☐ | Consumption on Premises | ☐ | Distilled Spirits |
| ☐ | Beer | ☐ | Wine |
| ☒ | Retail | ☐ | Distilled Spirits |
| ☒ | Beer | ☒ | Wine |

Business Information:

Andy Food Center Inc.

Sam's SuperMarket

3840 Stonewall Tell Road, College Park, GA 30349

Zamilur Rahman

(770) 495-2367

For School Board Use Only

Date Completed: December 23, 2020

- ☒ Location above is 300 yards from nearest school ground
- ☒ Location above is 200 yards from the nearest school bus stop as designated by Fulton County Board of Education.

If not, briefly explain reason: _____

Business meet the above requirements of Fulton County Board of Education

Dondrell Haines

Print Name of Person Verifying Distance

Dondrell Haines

DondrellHaines (Dec 23, 2020 10:45 EST)

Signature

Return form via email to: pdlicenses@cityofsouthfultonga.gov

City of South Fulton
5440 Fulton Industrial Blvd SW

Atlanta, GA 30336

(470)809-7700

PAY ONLINE AT:
[HTTPS://WWW.CITYOFSOUTHFULTONGA.GOV](https://www.cityofsouthfultonga.gov)
SCROLL DOWN TO CLICK "PAY ONLINE" ICON

SAM'S SUPERMARKET
3840 STONEWALL TELL ROAD
SUITE A
COLLEGE PARK, GA 30349

INVOICE #

20006288

CUSTOMER ID: [REDACTED] PIN: [REDACTED]

INVOICE DATE: 12/01/20

DUE DATE:

**MAKE CHECKS PAYABLE TO:
CITY OF SOUTH FULTON**

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		2021 Alcohol License Fees		
1.0000/1	ABLAPPL	Alcohol Lic - Application fee	300.000000	300.00
		2021 Alcohol License Fees		
1.0000/1	ABLADV	Alcohol Lic Advertising Fee	505.000000	505.00
		2021 Alcohol License Fees		
1.0000/1	ABLFIREI	Alcohol Fire Inspection Fee	75.000000	75.00
		2021 Alcohol License Fees		
1.0000/1	ABLSTRBR	Alcohol Lic Store -Beer	400.000000	400.00
		2021 Alcohol License Fees		
1.0000/1	ABLSTRWN	Alcohol Lic Store Wine	400.000000	400.00
		2021 Alcohol License Fees		
		TOTAL DUE:		\$ 1,680.00
		Prn Payment: 12/01/20 CR 3793989408		-1,680.00
		BALANCE:		\$ 0.00

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of South Fulton
5440 Fulton Industrial Blvd SW

Atlanta, GA 30336

SAM'S SUPERMARKET
3840 STONEWALL TELL ROAD
SUITE A
COLLEGE PARK, GA 30349

INVOICE #: 20006288
DESCRIPTION: 2021 Alcohol License Fees
CUSTOMER ID: [REDACTED] PIN: [REDACTED]
DUE DATE:
TOTAL DUE: \$ 0.00





**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

2211 United States Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303

James N. Hatten
Clerk of Court

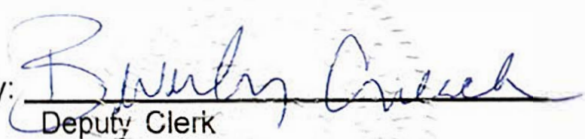
404-215-1600

Name: ZAMILUR RAHMAN

I, James N. Hatten, Clerk, United States District Court for the Northern District of Georgia, do hereby certify that I have examined the record of said court for the Atlanta Division of said district and the records do not reveal the filing of a criminal indictment or information charging an offense against the United States of America by ZAMILUR RAHMAN within ten (10) years immediately preceding the date of this certificate.

In testimony whereof, I have hereunto set my hand and have affixed the seal of said Court, at Atlanta, Georgia, this 21st day of October, 2020.

JAMES N. HATTEN
DISTRICT COURT EXECUTIVE
CLERK OF COURT

By: 

Deputy Clerk

CITY OF SOUTH FULTON APPLICATION FOR ALCOHOL BEVERAGE LICENSE



REPORT FOR LAND SURVEY FOR ALCOHOLIC BEVERAGE LICENSE

For the purpose of the Alcoholic Beverage Ordinance distance means the measurement in lineal feet from the front entrance of the proposed location to the nearest property line of the private residence, church or place of religious services, public library, school ground or college campus, or designated school bus stop for drop off or pick up of children.

_____ A boundary line survey.

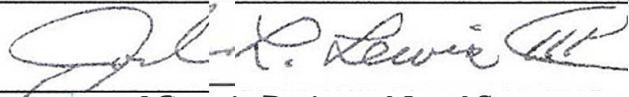
_____ A boundary line survey shall be prepared by a Georgia Registered Land Surveyor.

The following information shall be required on the survey:

1. Building location within boundaries of property.
2. Indicate location of main/front entrance of building to determine appropriate distance requirements.
3. Name, address, telephone number of applicant.
4. Date of survey, graphic scale and north arrow.
5. Location of tract (land district and land lot) and acreage.
6. Signature and certification statements as listed below on survey for related alcoholic beverage use.
7. Include one (1) of the certification statements as listed below on survey for related alcoholic beverage use.

_____ Certified that RETAIL SALES (Distilled Spirits) is not located within 100 feet of any private residence, or 300 feet of a church building or within 300 feet of any school building, school grounds, or college campus, or within 200 feet of any designated school bus stop for drop off or pick up of children.

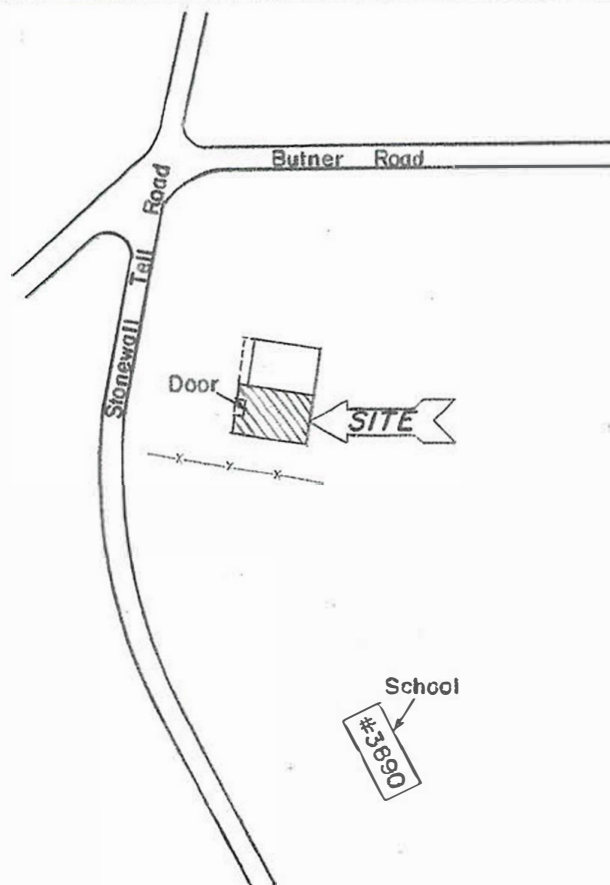
 X Certified that RETAIL SALES (Beer and Wine) is not located within 100 feet of any private residence, or 300 feet of a church building or within 300 feet of any school building, school grounds, or college campus, or within 200 feet of any designated school bus stop for drop off or pick up of children.


Signature of Georgia Registered Land Surveyor

1751
Surveyor Number



MAGNETIC



Site Address-
3840 Stonewall Tell Road
College Park, Georgia
30349

Certified that RETAIL SALES (Beer & Wine) is not located within 100 feet of any private residence, or 300 feet of any school building, school grounds, or college campus, or within 200 feet of any designated school bus stop for drop off or pick up of children.

The following distances were measured according to City of South Fulton code:

CHURCH- 1910' to First Baptist Church of Clifftondale, @ 4005 Stonewall Tell Road.

SCHOOL- 5100' to Stonewall Tell Elementary, @ 3310 Stonewall Tell Road.
320' to Stonewall Academy, @ 3890 Stonewall Tell Road. (childcare)

LIBRARY- 9200' to Wolf Creek Library, @ 3100 Enon Road.

RESIDENCE- 275' to house @ 3916 Stonewall Tell Road.

SCHOOL BUS STOP- 1600' to stop @ Marsham Drive & Marshweed Court.

There are no alcohol treatment centers within 300' of this site.

City of South Fulton Beer & Wine Package Sales License Survey for:
Andy Food Center Inc. d/b/a Sams Supermarket



DATE: 9/9/2020	SCALE: 1" = 200'	0 100 200 400 GRAPHIC SCALE IN FEET
DRAWN BY: GD		
LAND LOT 143	14th DISTRICT	SECTION
FULTON	COUNTY	GEORGIA
GEORGIA LAND SURVEYING CO. 155 CLIFTWOOD DRIVE, ATLANTA, GA 30328 PH (404)255-4671 FAX (404)255-6607 WWW.GLSURVEY.COM		202127

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed
Secretary of State
Filing Date: 05/25/2020 15:42:24

BUSINESS INFORMATION

BUSINESS NAME : ANDY FOOD CENTER INC
CONTROL NUMBER : 19028175
BUSINESS TYPE : Domestic Profit Corporation
ANNUAL REGISTRATION PERIOD : 2020

BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS : [REDACTED] CHAMBLEE, GA, 30341, USA
REGISTERED AGENT NAME : FERZANA KHAN
REGISTERED OFFICE ADDRESS : [REDACTED] CHAMBLEE, GA, 30341, USA
REGISTERED OFFICE COUNTY : Dekalb

UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS : 3840 stone wall tell rd, college park, GA, 30349, USA
REGISTERED AGENT NAME : ZAMILUR RAHMAN
REGISTERED OFFICE ADDRESS : [REDACTED] LAWRENCVILLE, GA, 30044-7318, USA
REGISTERED OFFICE COUNTY : Gwinnett

OFFICER	TITLE	ADDRESS
zamilur rahman	CEO	3840 stone wall tell rd, college park, GA, 30349, USA
zamilur rahman	CFO	3840 stone wall tell rd, college park, GA, 30349, USA
zamilur rahman	Secretary	3840 stone wall tell rd, college park, GA, 30349, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE : 1000
AUTHORIZER TITLE : Officer



CERTIFICATE OF COMPLETION

This certifies that

Zamilur Rahman

has successfully completed the course

Learn2Serve On-Premises Alcohol Seller-Server



Course Duration
3.0



Completion Date
10/23/2020



Certificate #
000018084099

A handwritten signature in black ink, likely of the official.

Official Signature



6801 N Capital of Texas Hwy, Bldg 1, Suite 250 | Austin, TX 78731 | 877.881.2235 | www.360training.com

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Public Hearing regarding a Request for Alcohol License Revocation: re Cigaros of Georgia, LLC, dba Cigaros

DATE: April 27, 2021

SUBJECT: Public Hearing regarding a Request for Alcohol License Revocation: re Cigaros of Georgia, LLC, dba Cigaros

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Public Hearing - Cigaros	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/21		
Requesting Department	Council District(s) Affected	
Police Department	District 2	
Requested Action		
Decide whether to suspend or revoke the alcohol license or impose a fine to Cigaros of Georgia, LLC, dba Cigaros.		
Requirements for Council Action (City specific Council policy, statute or code requirement)		
The City Council shall hear applications for licenses, as well as all matters relating to such licenses per Sec 16-3002 of the Alcohol Beverage Ordinance.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details)		
On April 19, 2021, South Fulton Police received notice from the finance department that the business owner (Conrad Dobson) of Cigaros failed to pay excise taxes for two years (2019-2020) and for current year 2021. Finance requested a suspension of the Alcohol license for Cigaros until payment has been paid in full of all owed excise taxes. The South Fulton Police Department is therefore requesting a Hearing to Suspension the Alcohol License for Cigaros of Georgia, LLC dba Cigaros citing a violation to the City of South Fulton's Code of Ordinances, Title 16- Alcoholic Beverages.		
Funding Source (if applicable)		
N/A		
Financial Impact (if applicable)		
N/A		
Financial Impact Statement Received Yes ☐ No ☒		
Legislative Process Complete Yes ☐ No ☐		
Department Director Approval		Finance Director Approval
 Keith Meadows (Apr 20, 2021 14:38 EDT)		 nina robinson
Assistant City Manager Approval	City Attorney Approval	City Manager Approval
		 Tammi Saddler Jones



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336
Phone: (470) 809-7300

Keith Meadows
Chief of Police

April 20, 2021

Cigaros of Georgia, LLC

DbA Cigaros
Conrad Dobson
3220 Butner Road, Suite 210
Atlanta, GA 30331

Re: **NOTICE OF SUSPENSION/REVOCATION OF YOUR ALCOHOL BEVERAGE
LICENSE # ABL19006185 FOR 3220 BUTNER ROAD, SUITE 210**

Dear Mr. Dobson,

You are hereby notified that you may show cause before City Council as to why your license to sell alcoholic beverages should not be suspended or revoked based upon your noncompliance with Chapter 3, Section 16-3001(a)(15) of the City of South Fulton Code of Ordinances Title 16 Alcoholic Beverages. In particular, and without limitation thereto, the City of South Fulton Police Department ("South Fulton Police Department") intends to show that according to the City of South Fulton's Code of Ordinances the applicable standards and sections supported the recommendation to suspend/revoke of your alcohol license.

Hearing Date and Applicable Code Sections

A virtual hearing will be held on Wednesday April 27, 2021 at 4:00pm. A copy of the Chapter 3 Section 16-3001(a)(15) of the City's Ordinances Title 16 Alcoholic Beverage is available for your review through [COSF Title 16 Alcoholic Beverages](#) or you may contact the City's Clerk and have a PDF copy mailed or electronically mailed to your designated physical or email address. Included within these code sections are the applicable standards that outline the basis for and procedure upon which the suspension, revocation and/or imposition of a fine of your alcohol license to sell alcoholic beverages will be considered.

The Finance Department and South Fulton Police Department intends to show that due cause exists to continue the suspension, impose a fine and/or revoke your alcohol license based upon the following violations which occurred at your establishment.



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336
Phone: (470) 809-7300

Keith Meadows
Chief of Police

Violations of City Ordinance

Count 1:

In January 2020, the finance department and the police department notified the owner of Cigaros, Mr. Conrad Dobson that he was delinquent in paying alcohol excise taxes for 2019. In good faith, the Finance department offered Mr. Dobson a payment agreement on the outstanding balance, at that time, of \$11,887.65. Cigaros acknowledged the balance owed; however, Cigaros failed to sign the agreement, failed to make any payment and later stopped responding to notifications from Finance.

Count 2:

In December 2020, the police department notified Mr. Dobson, that he needed to bring his excise taxes current in order to renew his alcohol license for 2021. On February 9, 2021, finance department offered Cigaros another opportunity for a payment plan to bring his excise taxes current. Mr. Dobson acknowledged the new excise tax balance owed of \$22,620.61 and signed agreeing to make payments. In the signed agreement, Mr. Dobson acknowledged failure to pay as agreed would result in suspension and/or revocation of his alcohol license. On February 10, 2021, finance notified police that Mr. Dobson agreed to a payment plan and police issued a renewal of Cigaros alcohol license for 2021.

Count 3:

On February 22, 2021, Mr. Dobson paid the first payment of \$2,827.57 via e-check online to finance, the check was returned due to insufficient funds on March 5, 2021. Finance notified Mr. Dobson and he acknowledged the returned check and assured that payment would be re-made immediately. Finance did not hear from Mr. Dobson, no follow-up payment has been made, nor has Cigaros made any of their regular monthly payments as agreed upon.

Count 4:

On April 9, 2021, Mr. Dobson was notified by finance that they had until close of business on April 16, 2021 to pay their entire balance due for excise taxes, which included providing their monthly gross alcohol sales from the additional months owed from the original agreement date. Finance further advised again that failure to do so would result in suspension and/or revocation of his alcohol license. As of the date of this notice, no payment still has been received.



South Fulton Police Department

5440 Fulton Industrial Blvd · Atlanta, Georgia 30336
Phone: (470) 809-7300

Keith Meadows
Chief of Police

Applicable City Ordinance Code Sections

The City's Ordinance Title 16 Chapter 3 Section 16-3001 Suspension or Revocation of License states, in pertinent part, that:

(a)(15) The failure to pay alcohol excise taxes imposed by city ordinances.

Procedures for Hearing

The Public Hearing will occur virtually via Zoom due to the COVID-19 pandemic, where you and/or your legal representative, shall be afforded the opportunity to be heard and present evidence to the City Council. A copy of the documents which may be used against you at the Public Hearing are attached to this notice. Please email any documents which you may present at the hearing to the City Clerk at: corey.adams@cityofsouthfultonga.gov and copy the City Attorney Vincent Hyman at: vincent.hyman@cityofsouthfultonga.gov.

The City Clerk will send you an invitation to access the Zoom Public Hearing at least 48 hours prior to the Public Hearing at the following email address the City has for you on file: cigarosofgeorgia@gmail.com. Please email the City Clerk (and copy the City Attorney) at least five days in advance of the Public Hearing if your email address has changed.

Should you require additional information, please contact Lieutenant Kay Lester in the License and Permits Office at kay.lester@cityofsouthfultonag.gov or 404-324-1242.


Keith Meadows (Apr 20, 2021 14:38 EDT)

Keith Meadows
Chief of Police

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Z20-007: Council to consider a rezoning at 0 Butner Rd from R3-A to CUP for the purpose of developing a residential subdivision

DATE: April 27, 2021

SUBJECT: Z20-007: Council to consider a rezoning at 0 Butner Rd from R3-A to CUP for the purpose of developing a residential subdivision

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Z20-007	Cover Memo	4/22/2021
0 Butner Rd 007 staff report FINAL FOR COUNCIL 4.14.21	Cover Memo	4/22/2021

Z20-007

Rezoning Request o Butner Rd.

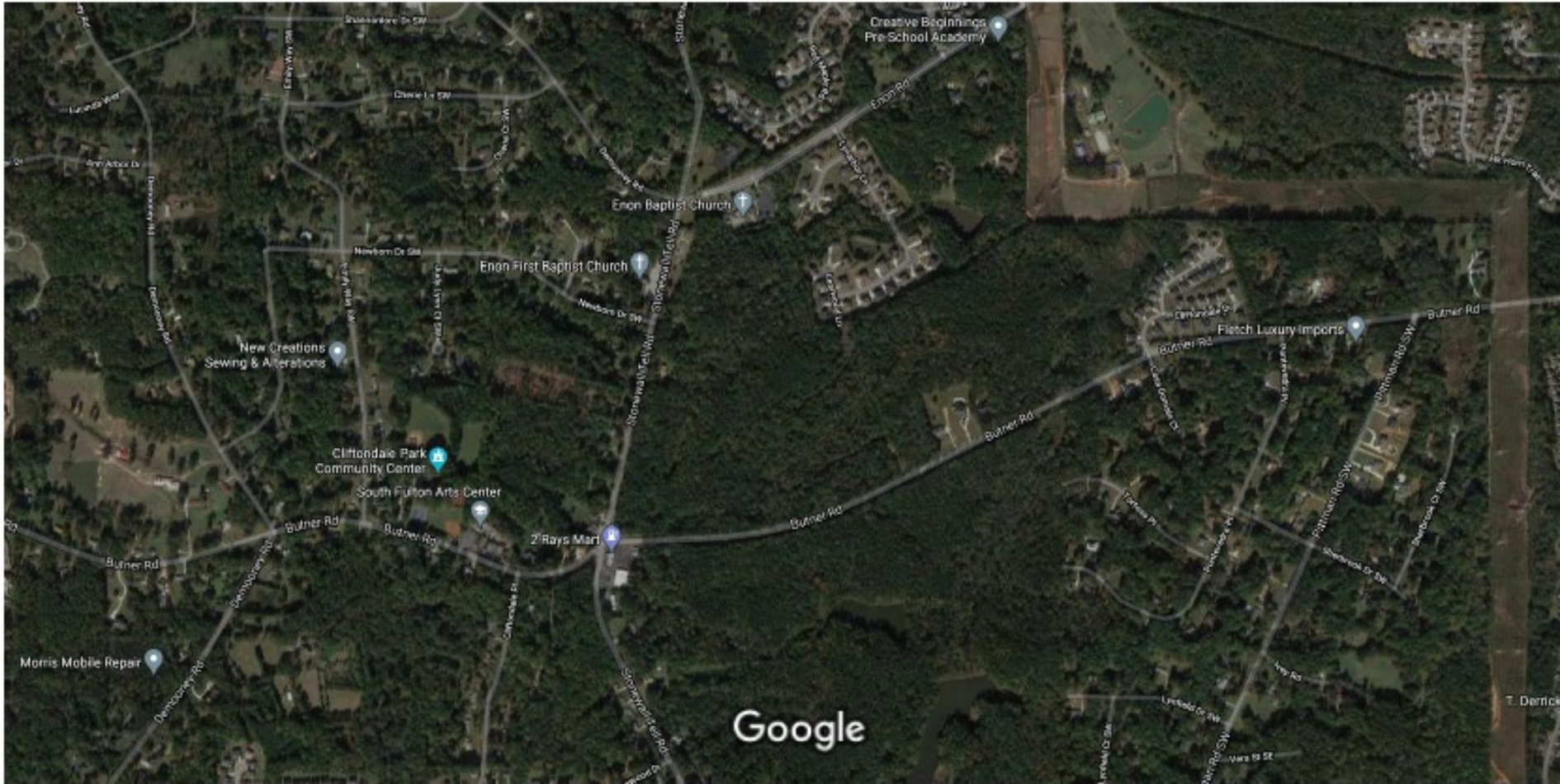
City Council Zoning Hearing
City of South Fulton
April 14, 2021



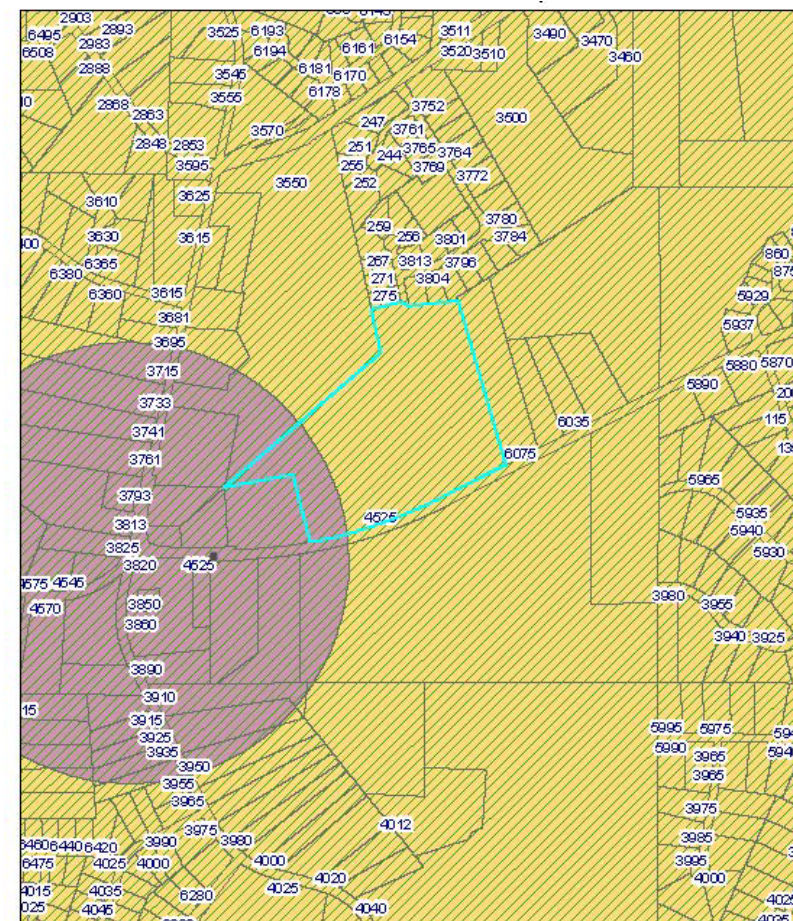
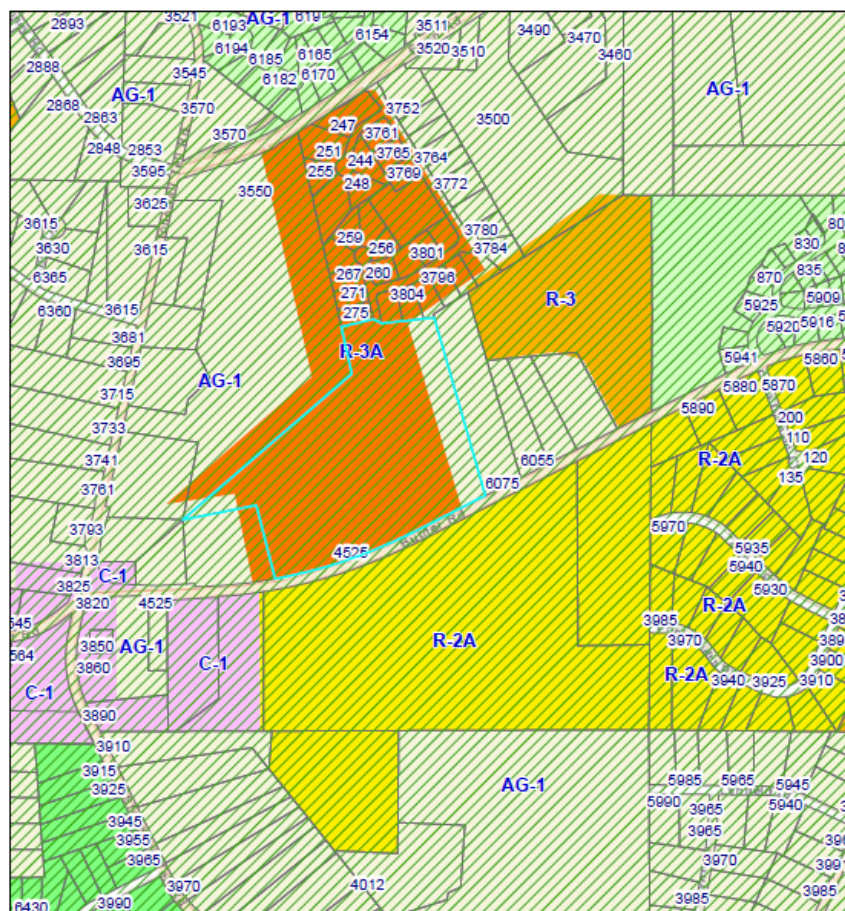
Z20-007: 0 Butner Rd.

- Petitioner seeks to rezone from R3-A to CUP
- It is for a Residential Subdivision with 59 homes
- This parcel is in the Cliftondale Overlay
- Houses will comply with all stagger and material requirements
- Petitioner has met extensively with staff, the Community, and Councilmember Gumbs
- Staff recommendation is denial due to the density not being in compliance with the Future Land Use Map
- Planning Commission recommended approval

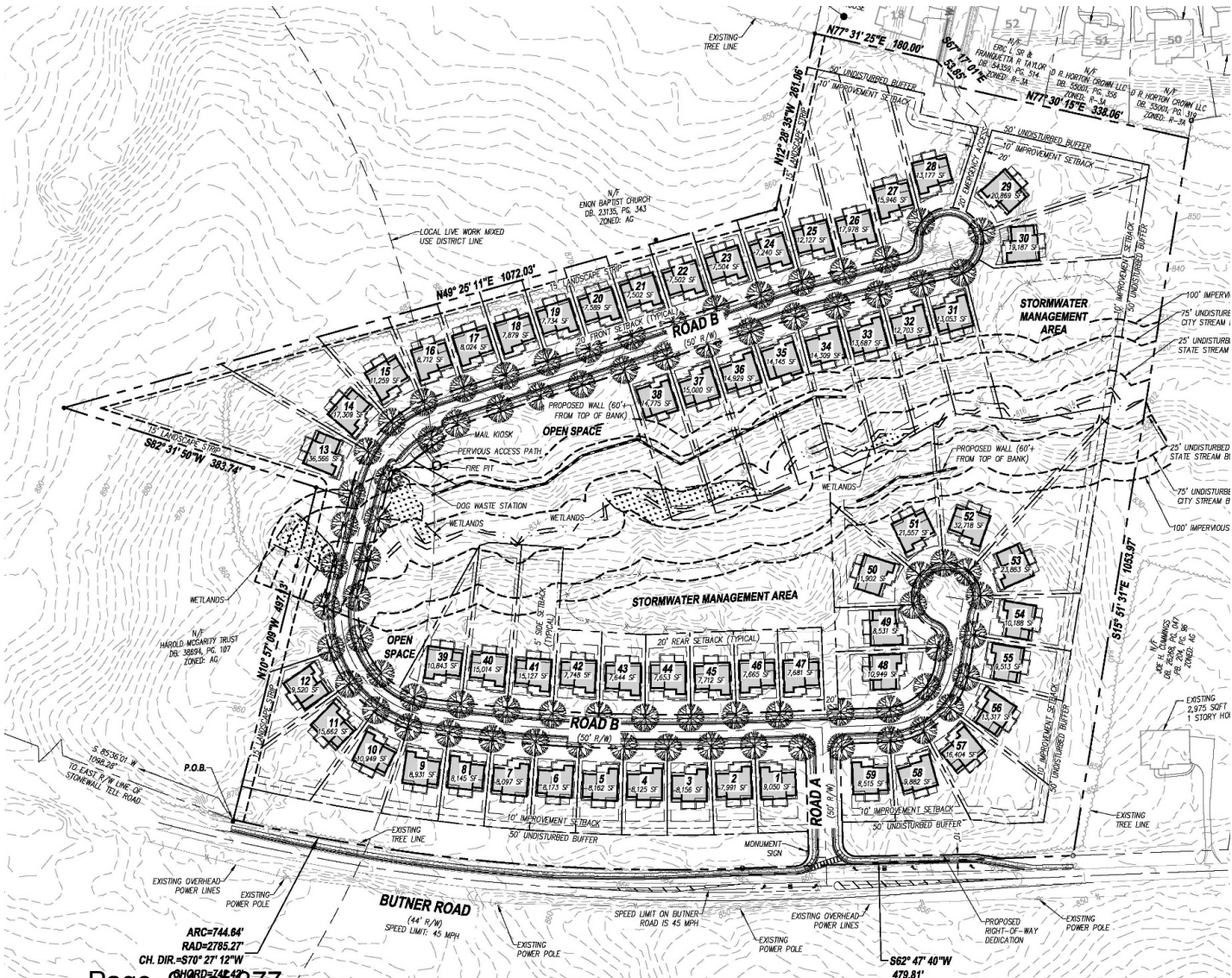
Z20-007: 0 Butner Rd.



Z20-007: o Butner Rd.



Z20-007: 0 Butner Rd.



Z20-007: 0 Butner Rd.



GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: Mayor and Council
FROM: Planning & Zoning Division
SUBJECT: Z20-007 and CV20-002 for o Butner Rd
MEETING DATE: April 14, 2021

Applicant seeks to rezone from **R-3A (Residential)** to **CUP (Community Unit Plan)**.

There is also a concurrent variance on this case to allow for the construction of a retaining wall in a buffer area.

STAFF RECOMMENDATION: Denial on both

PLANNING COMMISSION RECOMMENDATION: Approval of Z20-007 and Denial of CV20-002

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Michele Battle for Pulte Group 3350 Peachtree Rd NE, Atlanta, GA 30326
Status of Applicant:	Owner and developer of property; intent is to rezone for a small residential subdivision.
City Council District(s):	District 2
Parcel ID Number:	14F 0125 LL 047
Area of Property:	27.98 Acres
Current/Past Use of the Property:	Undeveloped
Prior Zoning Cases/History:	2000Z-0102
Surrounding Zoning:	<u>North:</u> R3-A and AG-1 <u>South:</u> R2-A <u>East:</u> AG-1 and R-3 <u>West:</u> AG-1
2035 Future Land Use Designation:	<u>Character Type:</u> Rural Neighborhood <u>Land Uses:</u> Agricultural, Forestry and Estate Residential, Residential 1 Unit or Less per acre, 1 to 2 Units per acre, Open Space, Public, Semi-Public and Institutional <u>Zonings:</u> R-2A, CUP, NUP
Compatibility to the Fulton County 2035 Comprehensive Plan:	The proposed density is not compatible
Overlay District:	Cliftondale
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Butner Rd <u>Classification:</u> Collector Road

Public Transit: Not served by MARTA

Bike/Pedestrian Access: No sidewalk or bicycle lanes

Parking Required (Retail/Service Stations): N/A

MAPS

City of South Fulton Zoning and Aerial Map:

(see attached)

Proposed Site Plan:

(see attached)

PUBLIC PARTICIPATION

A virtual meeting was held November 12th via Zoom. The report is attached. The petitioner has also had extensive meetings with the adjacent community and with the Councilmember.

ZONING IMPACT ANALYSIS

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes. This proposal is for a small residential subdivision, with a total of 59 homes. The property is in a residential area, with many other subdivisions in close proximity. However, the proposed density exceeds the guidelines of the Future Land Use Map by 3 homes.

The proposed variance is for a retaining wall in a buffer area. The topography of the site necessitates this.

The proposed conditions are attached to this report.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. The proposed future development is similar in style to what has already been built in the area. It would fit in appropriately and would not affect any existing use.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

Not determined. The current zoning of the property limits the use of the property to a much less dense residential type. Given market conditions, it may very well not be feasible to develop at its current zoning.

4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

No. These developments are not of a size to where streets or transportation in the area would be overburdened. Current utility infrastructure is sufficient for this proposal, including what is already in the area. Future needed infrastructure improvements for the site would be paid for by the developer.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

No. Although CUP zoning is listed as an option in the Future Land Use Map for the area, the density proposed by this petitioner is slightly higher than suggested (3 units larger).

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

No. There are no other pertinent conditions or concerns with this site.

7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.

No. The uses allowable under this zoning are suitable for the area, and any site environmental concerns would have to be addressed in any development plan.

Additionally, the concurrent variance request for the construction of a retaining wall in a buffer area would not be environmentally adverse. The construction would be a one-time event, the surrounding area would be returned to its original condition, and the wall itself would be passive.

STAFF COMMENTS

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: Requested information, none provided. A traffic report was provided by the petitioner. No significant impacts were realized.

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Report attached.

Fire: Requested information, none provided.

Legal: Requested information, none provided.

PLANNER'S RECOMMENDATION

Denial on both cases. The proposed density of this project is more than suggested by the Future Land Use Map for this area. It is the policy of the City of South Fulton to maintain compliance with the Future Land Use Map in all cases so that the desired growth patterns of the Comprehensive plan can be maintained. We want to ensure that the desires of the residents and elected officials expressed in our Planning documents are properly implemented in our City.

Denial on the zoning case would mandate denial on the concurrent variance as well.

PLANNING COMMISSION RECOMMENDATION

At the February 16th 2021 Planning Commission meeting, the board recommended Approval of Z20-007 and Denial of CV20-002.

PREPARED BY: Nathan Mai-Lombardo, Planning and Zoning Administrator

REVIEWED BY: Shayla Reed, Director, CDRA

PROPOSED CONDITIONS FOR Z20-007

1. The use of the Subject Property shall be used for the development of no more than 59 single-family detached dwelling units in general conformity with the Site Plan attached as Exhibit "A", subject to any modification required by the City of South Fulton's Land Development Department in order to be in conformity with the City's land development regulations.
2. The development standards shall be as follows:

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	60 ft. on frontage or at the building setback line
Maximum Building Height	40 ft
Required Open Space	32,450 sq. ft.
Minimum Front Set Back	20 ft
Minimum Interior Side Set Back	5 ft
Minimum Side Corner Set Back	15 ft
Minimum Rear Set Back	20 ft
3. A 50ft undisturbed buffer shall be maintained along the northern and eastern exterior boundary lines, and along the Butner Road frontage.
4. No more than 1 exit/entrance on Butner Road.
5. No lot shall be allowed direct access from Butner Road
6. Each unit shall have a 2-car garage
7. Exterior facades shall consist of a minimum of three sides brick. The rear façade shall be hardiplank, brick, stone or stucco or other masonry material. The use of vinyl and aluminum siding shall be strictly prohibited, except for architectural trim, soffits, or other similar details).
8. All undisturbed buffers, recreational areas, and other unbuildable spaces that is not a part of a platted lot, shall be owned and maintained by a mandatory homeowner's association, whose proposed documents of incorporation shall be submitted to the Director of the Community Development Department for review and approval prior to the recording of the first final plat.
9. A subdivision monument sign shall be located at the entrance on Butner Road and shall be landscaped and maintained by the mandatory homeowner's association.
10. The Applicant agrees to restrict the floorplans to be made available to homebuyers within the proposed subdivision to the following (the "Plans"), a copy of which is attached hereto as Exhibit "B":

- a. Hampton
- b. Mitchell
- c. Pennington
- d. Furman
- e. Woodward

Any additions to, or modification of, the Plans must be approved by the Director of the Community Development Department.

11. The Applicant agrees to offer to homebuyers within the subdivision certain structural options and upgrades, such as sunrooms and sitting rooms, that would enhance the square footage of the homes to be built, provided, however, nothing herein shall require any homebuyers to select any such structural options and/or upgrades, and the Applicant shall not be required to build any market or “spec” homes with any such structural options and/or upgrades.
12. A deceleration lane and left turn lane shall be required into the subdivision, subject to the review and approval of the City of South Fulton’s Transportation Engineer. The deceleration lane shall be located on the subject property and shall not encroach upon the adjacent property.

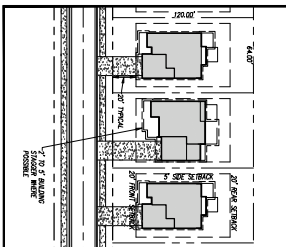
THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR
INTERMEDIATE REGION FLOOD ZONE AS PER THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AS SHOWN ON
COMMUNITY PANEL NO. 13121C0339F LAST REVISED 9/18/2010



24 HOUR CONTACT:
TIM POFF
770.616.2906

[illegible]

TYPICAL LOT LAYOUT



REVISIONS

- | | |
|---|-------------------|
| 1 | 09.24.2020 CLIENT |
| 2 | 11.16.2020 CLIENT |
| 3 | 12.11.2020 CLIENT |



GSWCC CERTIFICATION NUMBER
EXPIRATION DATE: 09.01.20

OWNER/DEVELOPER



Page 103 of 247

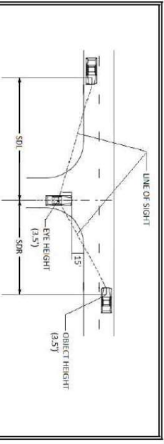
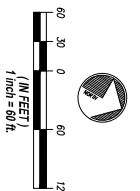
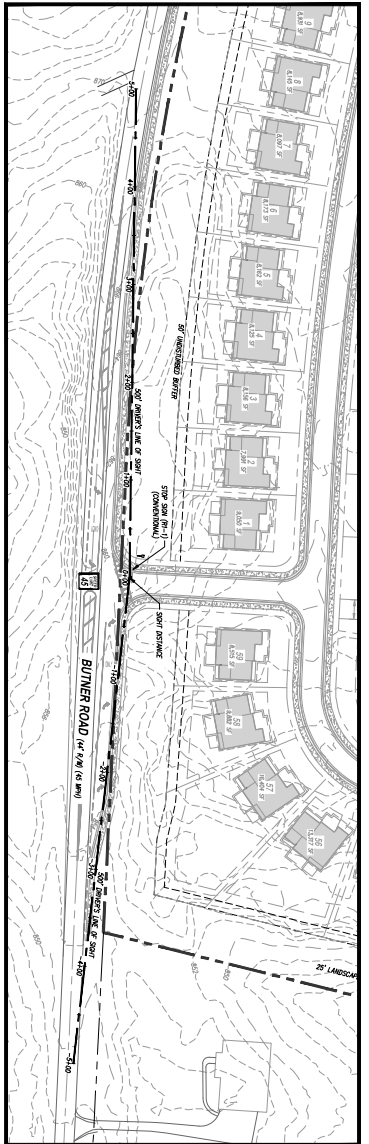
ZONING PLAN

BRIAR CREEK



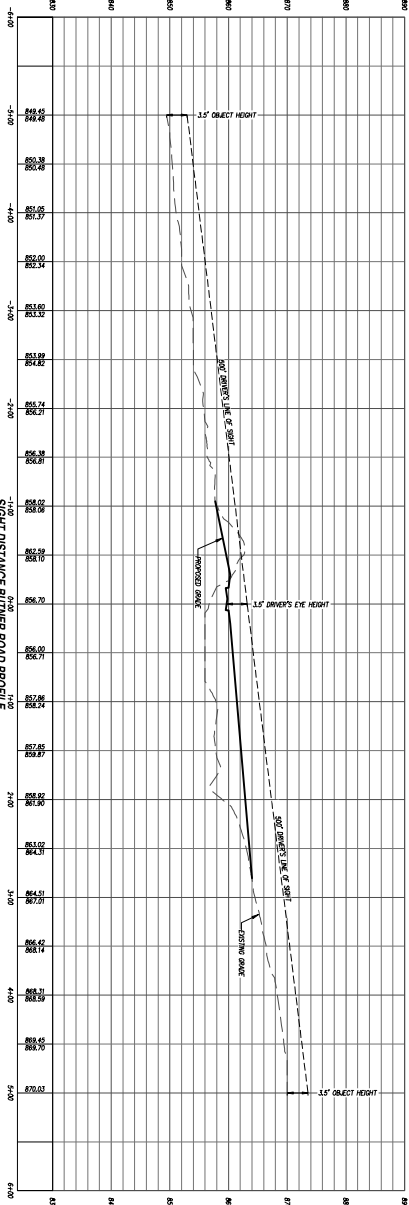
RIDGE PLANNING AND ENGINEERING®

1290 KENNESTONE CIRCLE - BLDG A
SUITE 200 - MARIETTA, GA 30066
OFFICE 770.938.9000



ARTERIAL SPEED (MPH)	SIGHT DISTANCE - FT. *									
	2 Lanes	3 Lanes	4 Lanes	5 Lanes	6 Lanes	7 Lanes	8 Lanes	9 Lanes	10 Lanes	11 Lanes
30	300	300	300	300	300	300	300	300	300	300
35	350	350	350	350	350	350	350	350	350	350
40	400	400	400	400	400	400	400	400	400	400
45	450	450	450	450	450	450	450	450	450	450
50	500	500	500	500	500	500	500	500	500	500
55	550	550	550	550	550	550	550	550	550	550
60	600	600	600	600	600	600	600	600	600	600
65	650	650	650	650	650	650	650	650	650	650
70	700	700	700	700	700	700	700	700	700	700
75	750	750	750	750	750	750	750	750	750	750
80	800	800	800	800	800	800	800	800	800	800

Table 3-4 Intersection Sight Distance Requirements



SIGHT DISTANCE BUTLER ROAD PROFILE

OWNER/DEVELOPER

PulteGroup

247 Pulte Group Parkway
Alpharetta, GA 30009
Phone: (770) 381-3450

ZONING PLAN

BRIAR CREEK

City of South Fulton

Page 104 of 377

April 27, 2021

1290 KENNEDY CIRCLE, BLDG A
SUITE 200 - MARIETTA, GA 30066
OFFICE 770.938.9000

REVISIONS

1	10/1/2020	CLIENT COMMENTS
2	11/1/2020	CLIENT COMMENTS
3	12/1/2020	CLIENT COMMENTS

SIGHT DISTANCE

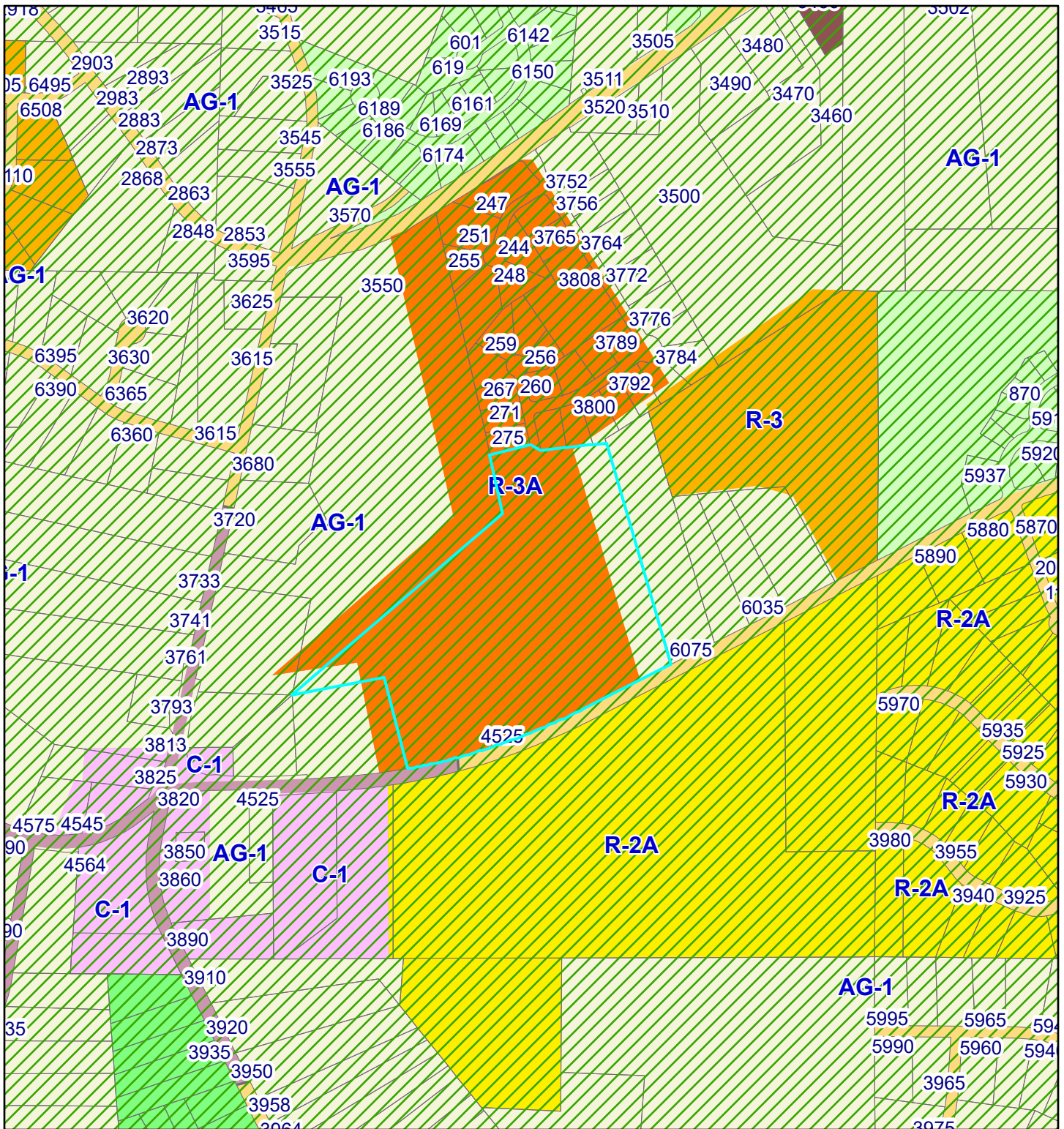
C210

2021 SIGHT DISTANCE CMC

08.21.2020

Copyright 2020

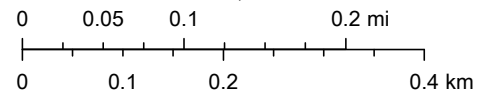
COSF ArcGIS Web Map



3/22/2021, 12:37:12 PM

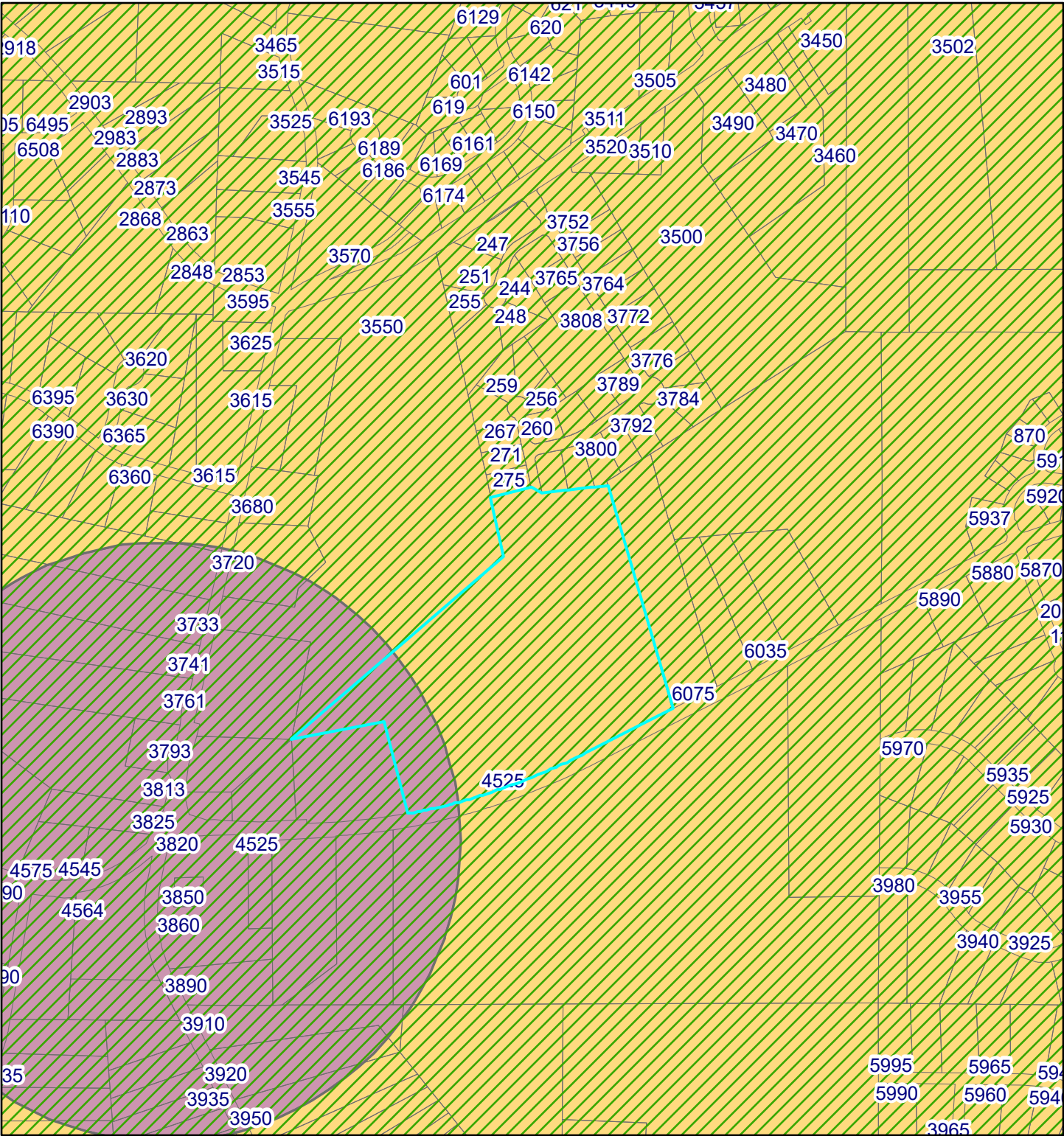
1:9,028

- Address Points
- Overlay Districts
- County Parcels All
- City Limits
- Current Zoning
 - AG-1 (Agricultural)
 - C-1 (Limited Commercial)
 - CUP (Community Unit Plan)
- 2035 Future Land Use
 - Local Live Work
 - Rural Neighborhood
- R-2A (Single Family Dwelling)
- R-3 (Single Family Dwelling)
- R-3A (Single Family Dwelling)
- R-6 (Single Family Dwelling)
- SUB-C (Single Family Dwelling)



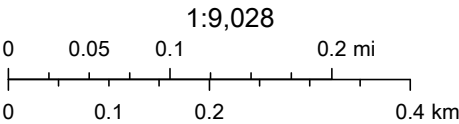
Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

COSF ArcGIS Web Map

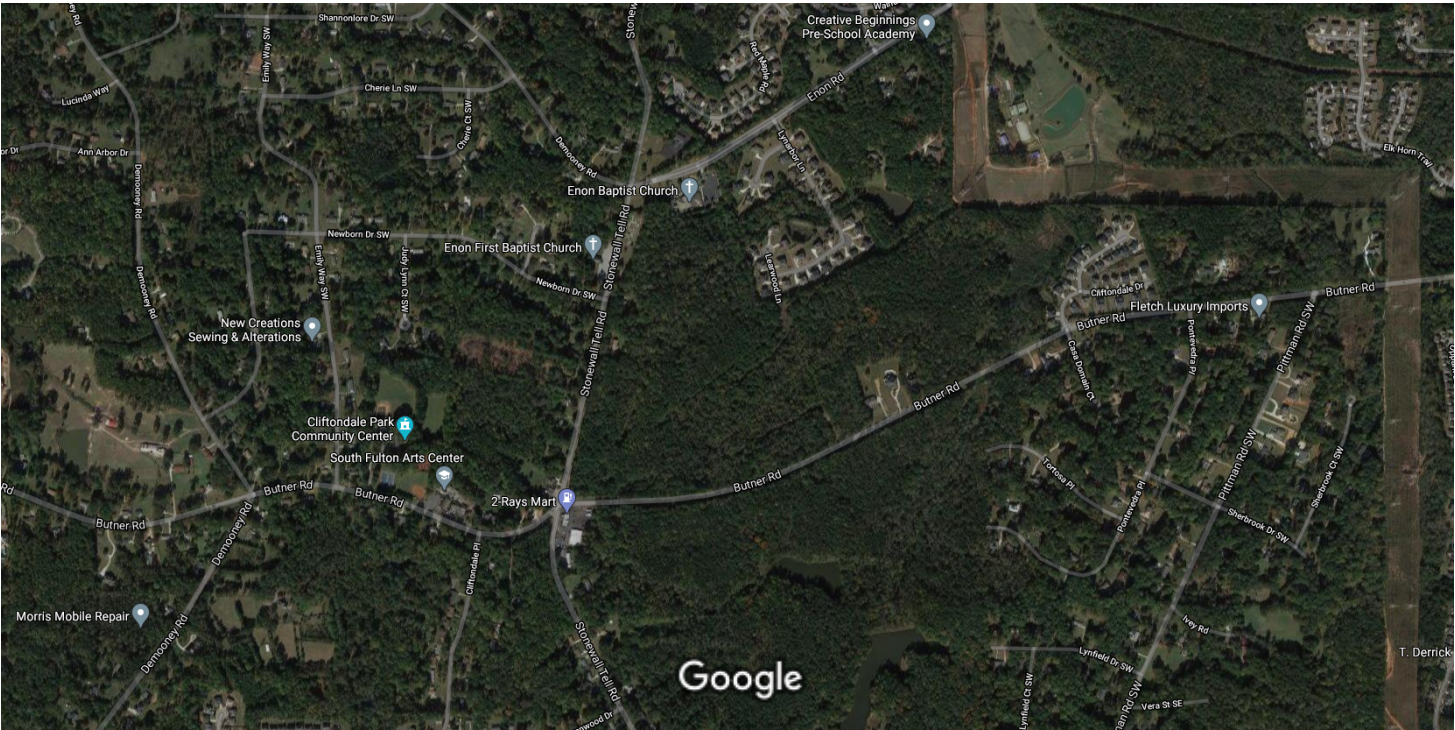


3/22/2021, 12:40:02 PM

- Address Points
- City Limits
- Overlay Districts
- County Parcels All
- 2035 Future Land Use
- Local Live Work
- Rural Neighborhood



Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 500 ft



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Pulte Group Petition No. _____

Date: November 12, 2020

1. The following parties were notified of the requested rezoning/use permit:

The following entities were notified of the Zoom Community Meeting: The Legend Oaks
Neighborhood and surrounding property owners

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

A zoom community meeting was held November 12, 2020 beginning at 5:30 p.m.

The Zoom connection details are as follows: Meeting ID 842 9532 3538 PW: 469934

3. The following issues and concerns were expressed:

Number of units (62) was too high of a density increase for the area.

Traffic conditions would worsen along Butner road.

Interest in implementing a left turn lane into the development to reduce possibility of an accident.

Elevations should more closely match the neighborhood aesthetics.

4. The applicant's response to issues and concerns was as follows:

Review of the related traffic study shows current access and exit from the development and connecting roadways (including deceleration lane) comply with the site distance city ordinances - further conversation with the transportation department and the city will be conducted.

The current amount of units (62) should not dramatically affect traffic conditions according to the trip generation report which is provided by the city.

Design changes were made to elevations - homes are now all three-sided brick.

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.

November 6, 2020

RE: Proposed Rezoning of a 27.98 Acre-Tract Located on Butner Road, Fulton County, City of South Fulton, Georgia - Tax Parcel 14F 0125 LL 047

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Thursday, November 12, 2020 from 5:30 pm – 6:30 pm to discuss the proposed rezoning of the property located on Butner Road, near the intersection of Butner Road and Stonewall Tell Road, in the City of South Fulton, Georgia. My client, Pulte Group is seeking to rezone the property from R3-A to CUP for the development of a 62-unit single-family detached subdivision.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 10 or email us at jlj@battlelawpc.com and we'll send you a summary of the meeting.

Zoom Meeting Details

Meeting ID: 842 9532 3538

Password: 469934

Internet: <https://otago.zoom.us/join>

Telephone: (646) 558-8656

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

Michèle Battle

Michèle L. Battle



Zoom Step by Step Instructions

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” (the meeting ID will be a 9 digit or 10 digit number)

If joining from a mobile Device

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If joining from a computer

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

Join Audio via Computer

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio

Join Audio via Telephone

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

Raising Your Hand

As the non-speaker if you wish to ask a question or make a point during the meeting it’s good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

Leave Meeting

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”

Development Impact Statement

PETITION: BRIAR CREEK

Proposed Residential Units

Single-family detached

Townhouses

Apartments

Condominiums

JURISDICTION: South Fulton

64

0

0

0

HOME SCHOOL	2020-21 ENROLLMENT ^A	GADOE CAPACITY	ESTIMATED NEW STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B	WITHOUT DEV	WITH DEV
Wolf Creek ES	798	875	3 to 22	-77	-74 to -55	
Sandtown MS	1,006	1,175	1 to 8	-169	-168 to -161	
Westlake HS	2,180	1,925	3 to 16	255	258 to 271	
TOTAL			7 to 46			Insufficient historical data to run report?: ☐

HS REGION: Westlake HS

AVERAGE - 1 STD. DEV.

AVERAGE + 1 STD. DEV.

One single-family detached unit generates:

0.046394

to

0.350258

elementary school students

0.014628

to

0.120686

middle school students

0.049209

to

0.245787

high school students

One townhouse unit generates:

0.000000

to

0.46149

elementary school students

0.000000

to

0.148339

middle school students

0.000000

to

0.290501

high school students

One apartment unit generates:

0.021807

to

0.148973

elementary school students

0.000000

to

0.058115

middle school students

0.009735

to

0.144645

high school students

One condominium unit generates:

to

elementary school students

to

middle school students

to

high school students

GENERAL FUND SUMMARIES PER STUDENT (FY21):

TOTAL EXPENDITURES: \$11,360

LOCAL REVENUE SOURCES: \$7,211

STATE AND OTHER REVENUE SOURCES: \$3,835

^A Based on first-month enrollment count

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate under capacity.

* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.



APPLICATION FOR REZONING & USE PERMIT

City of South Fulton Community Development and Regulatory Affairs
City of South Fulton City Hall
5440 Fulton Industrial Boulevard
Atlanta, GA 30336

DATE: October 7, 2020

TAX PARCEL IDENTIFICATION NUMBER(S): 14F0125 LL0477

SECTION I

REZONING REQUEST

Office use only:

ZONING CASE #: _____ ROAD FRONTAGE: _____

PROPERTY ADDRESS (if available): _____ refer to tax parcel number

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from R3-A to CUP
Existing Zoning(s) Proposed Zoning(s)

SECTION II

USE PERMIT REQUEST

Office use only:

USE PERMIT CASE # _____ ROAD FRONTAGE: _____

Under the provisions of Article XIX of the Zoning Resolution, application is hereby made to obtain a Use Permit as follows:

CURRENT ZONING: _____

USE PERMIT REQUEST: _____

SECTION IV

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

- If you are the sole owner of the property and not the petitioner complete Part 1.
- If you are the petitioner and not the sole owner of the property complete Part 2.
- If you are the sole owner and petitioner complete Part 1.
- If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

Pulte Group
TYPE OR PRINT OWNER'S NAME
2475 Northwinds Parkway - Suite 600
ADDRESS
Alpharetta, GA 30009
CITY & STATE ZIP CODE
OWNER'S SIGNATURE
rick.martin@pultegroup.com
EMAIL ADDRESS

Sworn to and subscribed before me this the

22nd Day of October 2020

NOTARY PUBLIC



(770) 381-3450
PHONE NUMBER

PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Pulte Group
TYPE OR PRINT PETITIONER'S NAME
2475 Northwinds Parkway - Suite 600
ADDRESS
Alpharetta, GA 30009
CITY & STATE ZIP CODE
PETITIONER'S SIGNATURE
rick.martin@pultegroup.com
EMAIL ADDRESS

Sworn to and subscribed before me this the

22nd Day of October 2020

NOTARY PUBLIC



(770) 381-3450
PHONE NUMBER

SECTION V

ATTORNEY / AGENT

Check One: ☒ Attorney ☐ Agent

Michele L. Battle

TYPE OR PRINT ATTORNEY / AGENT NAME
SIGNATURE OF ATTORNEY / AGENT
One West Court Square - Suite - 750
ADDRESS
Decatur, GA 30030
CITY & STATE ZIP CODE
PETITIONER'S SIGNATURE

mlb@battlawpc.com
EMAIL ADDRESS

404.601.7616
PHONE NUMBER

All that tract or parcel of land lying and being in Land Lot 126 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin located on the northernly right of way of Butner Road (60 foot right of way), said iron pin being located north 85 degrees 36 minutes 01 second east 1098.28 feet along said right of way from its intersection with the easterly right of way of Stonewall Tell Road; thence depart said right of way and run north 10 degrees 57 minutes 09 seconds west 497.13 feet to a ½" rebar; run thence south 82 degrees 31 minutes 50 seconds west 383.74 feet to a ½" rebar; run thence north 49 degrees 25 minutes 11 seconds east 1072.03 feet to a ½" rebar; run thence north 12 degrees 28 minutes 35 seconds west 261.06 feet to a point; run thence north 77 degrees 31 minutes 25 seconds east 180.00 feet to a point; run thence south 67 degrees 17 minutes 01 seconds east 53.85 feet to a point; run thence north 77 minutes 30 minutes 15 seconds east 338.06 feet to a point; run thence south 15 degrees 51 minutes 31 seconds east 1053.97 feet to a point on the northerly right of way of Butner Road; run thence along said right of way south 62 degrees 47 minutes 40 seconds west 479.81 feet to a point; thence continue along said right of way along the arc of a curve to the right an arc distance of 774.64 feet, said arc having a radius of 2785.27 feet and being subtended by a cord having a bearing and distance of south 70 degrees 27 minutes 12 seconds west 742.42 feet to a point and the True Place or Point of Beginning.

Said property contains 27.98 acres.

Vesting Deed

Deed Book 55781 Pg 211
Filed and Recorded Jan-21-2016 12:57pm
2016-0068705
Real Estate Transfer Tax \$97.10
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

AFF

DE Book 57053 Page 26

Prepared by:

Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
Attention: Jason W. Howard

Return to:

Chicago Title Insurance Company
10 South LaSalle St.
Suite 3100
Chicago, Illinois 60603
Attention: Jay Nayak

After recording return to:

Calloway Title & Escrow, LLC
David W. Dudley 2-33429
4170 Ashford Dunwoody Rd. Ste. 285
Atlanta, Georgia 30319

LIMITED WARRANTY DEED

(LEGEND OAKS, FULTON COUNTY, GA)

NOTE TO RECORDER: THE DEEDS RECORDED AT DEED BOOK 51909, PAGE 338, DEED BOOK 51909, PAGE 362, AND DEED BOOK 53495, PAGE 424 BY WHICH JW LAND INVESTMENT, LLC ACQUIRED THE PROPERTY (AS DEFINED BELOW) ERRONEOUSLY LISTS THE NAME OF JW LAND INVESTMENT, LLC AS "JW LAND INVESTMENTS, LLC."

THIS LIMITED WARRANTY DEED is made this 14th day of January, 2016 by JW LAND INVESTMENT, LLC, a Delaware limited liability company ("**Grantor**"), having an address of 4125 Atlanta Road SE, Smyrna, GA 30080, and PULTE HOME CORPORATION, a Michigan corporation ("**Grantee**"), having an address of 3350 Peachtree Road Northeast, Suite 150, Atlanta, Georgia 30326.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their respective successors and assigns.)

Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Fulton County, Georgia, more particularly described on Exhibit A attached hereto and by this reference made a part hereof (the "**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, its successors and assigns, in fee simple forever.

This Limited Warranty Deed and the warranty of title contained herein are made expressly subject to the list of permitted exceptions set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Exceptions") without re-imposing the same on title.

Except as to any claims arising from or with respect to the Permitted Exceptions, Grantor will warrant and forever defend the right and title to the Property unto Grantee, its successors and assigns against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

[Signature on Following Page]

Deed Book 55781 Pg 212

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed under seal by its duly authorized representative as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]

Witness

Mariellen Carducci

Notary Public

My Commission Expires:

[Notary Seal]



GRANTOR:

JW LAND INVESTMENT, LLC,
a Delaware limited liability company

By: Residential Partners, LLC, a Delaware
limited liability company, its sole member

By: [Signature]

Name: Greg Huff

Title: Chief Executive Officer

[SEAL]

Deed Book 55781 Pg 213

Exhibit A

Legal Description

[attached]

**STAMP
ADDED
TO CAPTURE
IMAGE**

Deed Book 55781 Pg 214

Legal Description

(Legend Oaks – JW Land Investment, LLC)

All that tract or parcel of land lying and being in Land Lots 125 and 126 of District 14F, Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin located on the northerly right of way of Butner Road (60 foot right of way), said iron pin being located north 85 degrees 36 minutes 1 second east 1,098.28 feet along said right of way from its intersection with the easterly right of way of Stonewall Tell Road; thence depart said right of way and run north 10 degrees 57 minutes 09 seconds west 497.13 feet to a 1/2" rebar; run thence south 82 degrees 31 minutes 50 seconds west 383.74 feet to a 1/2" rebar; run thence north 49 degrees 25 minutes 11 seconds east 1,072.03 feet to a 1/2" rebar; run thence north 12 degrees 28 minutes 35 seconds west 1,364.34 feet to a point on the southeasterly right of way of Enon Road (right of way varies); run thence along said right of way north 57 degrees 04 minutes 43 seconds east 292.20 feet to a point; thence continue along said right of way north 56 degrees 42 minutes 59 seconds east 353.65 feet to a point; thence depart said right of way and run south 00 degrees 26 minutes 21 seconds west 27.00 feet to a point; run thence south 89 degrees 29 minutes 07 seconds east 75.28 feet to a 1/2" rebar; run thence south 31 degrees 25 minutes 39 seconds east 1,161.50 feet to a 1/2" rebar; run thence south 55 degrees 51 minutes 20 seconds west 525.52 feet to a point; run thence south 15 degrees 51 minutes 31 seconds east 1,080.16 feet to a point on the northerly right of way of Butner Road; run thence along said right of way south 62 degrees 47 minutes 40 seconds west 479.81 feet to a point; thence continue along said right of way along the arc of a curve to the right an arc distance of 744.64 feet, said arc having a radius of 2,785.27 feet and being subtended by a chord having a bearing and distance of south 70 degrees 27 minutes 12 seconds west 742.42 feet to a point and the True Place or Point of Beginning.

Said property contains 52.4736 acres as shown on ALTA/ACSM Land Title Survey for John Wieland Homes and Neighborhoods, Inc. and Old Republic National Title Insurance Company by C2 Land Surveying, LLC, certified by Patrick P. Nunn, GRLS No. 2860, dated May 20, 2005, and sealed August 8, 2005.

LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated July 17, 2014, filed for record July 22, 2014 at 3:30 p.m., recorded in Deed Book 54012, Page 623, Records of Fulton County, Georgia. (Lots 18 and 50)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated July 3, 2014, filed for record July 11, 2014 at 8:30 a.m., recorded in Deed Book 53981, Page 315, aforesaid Records. (Lots 19, 44 and 52)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes LLC to D.R. Horton-Crown, LLC, dated May 21, 2014, filed for record June 12, 2014 at 9:58 a.m., recorded in Deed Book 53893, Page 622, aforesaid Records. (Lots 20, 23 and 32)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Tiffany Morman and Marlon Morman, as Joint Tenants with Rights of Survivorship and not as

Legend Oaks

Deed Book 55781 Pg 215

Tenants in Common, dated June 24, 2011, filed for record August 18, 2011 at 8:10 a.m., recorded in Deed Book 50309, Page 51, aforesaid Records. (Lot 21)

FURTHER LESS AND EXCEPT from the above described property that portion of the property lying and being in Land Lot 125 of the 14FF District of Fulton County, Georgia, being Lot 22, Legend Oaks Phase One aka Clifondale Oaks, as more particularly depicted on a plat recorded in Plat Book 304, Page 73, Records of Fulton County, Georgia; as revised in that certain Plat Book 339, Page 46, aforesaid Records. (Lot 22)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes LLC to Jefferson Homes Inc., dated December 19, 2013, filed for record January 10, 2014 at 8:30 a.m., recorded in Deed Book 53495, Page 423, aforesaid Records. (Lots 24, 25, 26, 27 and 34)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Ervin D. Hurd and Chip F. Hurd, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, dated December 30, 2009, filed for record January 21, 2010 at 8:44 a.m., recorded in Deed Book 48735, Page 142, aforesaid Records. (Lot 28)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Carla Shands, dated July 29, 2009, filed for record August 10, 2009 at 9:11 a.m., recorded in Deed Book 48267, Page 328, aforesaid Records. (Lot 29)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Victor R. Brazil and Nancye R. Brazil, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, dated April 30, 2010, filed for record May 25, 2010 at 7:59 a.m., recorded in Deed Book 49051, Page 229, aforesaid Records. (Lot 30)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes LLC to Jefferson Homes Inc., dated January 27, 2014, filed for record February 6, 2014 at 8:52 a.m., recorded in Deed Book 53553, Page 493, aforesaid Records. (Lot 31)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D. R. Horton-Crown, LLC, dated September 26, 2014, filed for record October 1, 2014 at 8:30 a.m., recorded in Deed Book 54217, Page 351, aforesaid Records. (Lot 33)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated August 29, 2014, filed for record September 5, 2014 8:40 a.m., recorded in Deed Book 54147, Page 225, aforesaid Records. (Lots 35, 37 and 46)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Gibran R. Kalaf and Sarah Kalaf, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, dated January 29, 2010, filed for record February 18, 2010 at 3:21 p.m., recorded in Deed Book 48802, Page 29, aforesaid Records. (Lot 36)

Legend Oaks

Deed Book 55781 Pg 216

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated August 14, 2014, filed for record August 21, 2014 at 8:40 a.m., recorded in Deed Book 54103, Page 117, aforesaid Records. (Lots 38, 48 and 49)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Richard Cox, Jr. and Jocelyn Cox, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, dated November 26, 2008, filed for record December 12, 2008 at 8:23 a.m., recorded in Deed Book 47425, Page 652, aforesaid Records. (Lot 39)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Dora Okrah, dated October 28, 2008, filed for record November 3, 2008 at 2:19 p.m., recorded in Deed Book 47325, Page 480, aforesaid Records. (Lot 40)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Charles M. Inokon, dated June 29, 2007, filed for record July 18, 2007 at 8:30 a.m., recorded in Deed Book 45388, Page 99, aforesaid Records. (Lot 41)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Christopher M. Jones, dated August 22, 2007, filed for record September 13, 2007 at 8:25 a.m., recorded in Deed Book 45689, Page 88, aforesaid Records. (Lot 42)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Warranty Deed from John Wieland Homes and Neighborhoods, Inc. to Raymond DeVoe and Sharon DeVoe, as Joint Tenants with Rights of Survivorship and not as Tenants in Common, dated October 8, 2009, filed for record October 15, 2009 at 8:20 a.m., recorded in Deed Book 48452, Page 267, aforesaid Records; as affected by that certain Scrivener's Affidavit by Tyler Dunn, dated December 28, 2011, filed for record January 27, 2012 at 11:20 a.m., recorded in Deed Book 50840, Page 294, aforesaid Records. (Lot 43)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated August 1, 2014, filed for record August 6, 2014 at 5:00 p.m., recorded in Deed Book 54061, Page 696, aforesaid Records. (Lot 45)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated February 3, 2015, filed for record February 9, 2015 at 8:30 a.m., recorded in Deed Book 54609, Page 598, aforesaid Records. (Lot 47)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from JW Homes, LLC to D.R. Horton-Crown, LLC, dated November 13, 2014, filed for record November 18, 2014 at 8:30 a.m., recorded in Deed Book 54387, Page 526, aforesaid Records. (Lot 51)

Legend Onks

Deed Book 55781 Pg 217

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from John Wieland Homes and Neighborhoods, Inc., a Georgia corporation to Regency Oaks Neighborhood Association, Inc., a Georgia corporation, dated December 5, 2006, filed for record December 11, 2006 at 7:41 a.m., recorded in Deed Book 44051, Page 269, aforesaid Records; as corrected by that certain Corrective Limited Warranty Deed from John Wieland Homes and Neighborhoods, Inc., a Georgia corporation to Legend Oaks Neighborhood Association, Inc., a Georgia corporation, dated as of December 5, 2006, filed for record April 28, 2015 at 10:13 a.m., recorded in Deed Book 54856, Page 62, aforesaid Records. (Common Area)

FURTHER LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Limited Warranty Deed from John Wieland Homes and Neighborhoods, Inc., a Georgia corporation to Legend Oaks Neighborhood Association, Inc., a Georgia corporation, dated December 18, 2008, filed for record January 23, 2009 at 1:57 p.m., recorded in Deed Book 47527, Page 10, aforesaid Records.

Deed Book 55781 Pg 218

Legend Oaks

EXHIBIT B

**PERMITTED EXCEPTIONS
(Legend Oaks, Fulton County, GA)**

1. Taxes or assessments of any taxing authority that levies taxes or assessments on real property which are liens not yet due and payable.
2. All matters which are shown on a current survey of the Property.
3. Special Exceptions:
 - (a) [Intentionally Omitted]
 - (b) Any and all unpaid water bills associated with subject property.
 - (c) [Intentionally Omitted]
 - (d) Riparian rights incident to the premises.
 - (e) [Intentionally Omitted]
 - (f) [Intentionally Omitted]
 - (g) [Intentionally Omitted]
 - (h) [Intentionally Omitted]
 - (i) [Intentionally Omitted]
 - (j). Declaration of Protective Covenants and Easements for Legend Oaks by John Wieland Homes and Neighborhoods, Inc., a Georgia corporation, dated May 12, 2008, filed for record May 13, 2008 at 10:00 a.m., recorded in Deed Book 46729, Page 180, aforesaid Records; as affected by that certain Owner Consent to the Declaration of Protective Covenants and Easements for Legend Oaks by Charles M. Inskon, dated as of April 25, 2008, filed for record May 13, 2008 at 10:00 a.m., recorded in Deed Book 46729, Page 246, aforesaid Records; as further affected by that certain Owner Consent to the Declaration of Protective Covenants and Easements for Legend Oaks by Christopher M. Jones and Stephanie L. Jones, dated as of April 25, 2008, filed for record May 13, 2008 at 10:00 a.m., recorded in Deed Book 46729, Page 248, aforesaid Records; as assigned by that certain Assignment of Declarant's Rights from John Wieland Homes & Neighborhoods, Inc., a Georgia corporation to JW Land Investments, LLC, a Delaware limited liability company, dated effective as of November 15, 2012, filed for record November 19, 2012 at 1:20 p.m., recorded in Deed Book 51909, Page 443, aforesaid Records, and as affected by any amendments filed of record.

Deed Book 55781 Pg 219

- (k) Right-of-Way Easement from John Wieland Homes, Inc. to Greystone Power Corporation, an electric membership corporation, dated as of July 8, 2006, filed for record August 14, 2006 at 11:02 a.m., recorded in Deed Book 43225, Page 561, aforesaid Records.
- (l) Owner's Indemnification and Maintenance Agreement for Detention Ponds from John Wieland Homes & Neighborhood, Inc. to Fulton County, a political subdivision of the State of Georgia, dated as of August 23, 2006, filed for record August 23, 2006 at 11:12 a.m., recorded in Deed Book 43294, Page 90, aforesaid Records.
- (m) [Intentionally Omitted]
- (n) [Intentionally Omitted]
- (o) [Intentionally Omitted]
- (p) [Intentionally Omitted]
- (q) [Intentionally Omitted]
- (r) [Intentionally Omitted]
- (s) Those matters as disclosed by that certain plat recorded in Plat Book 339, Page 46 aforesaid Records, as follows:
 - (1) Setback lines as to Lot 22;
 - (2) Buffer with creek as to Lot 22; and
 - (3) Ten (10') foot utility easement as to Lot 22

Deed Book 55781, pg. 220
Catherine Robinson
Clerk of Superior Court
Fulton County, Georgia

LETTER OF INTENT AND
IMPACT ANALYSIS

As Required by
City of South Fulton, Georgia Zoning Ordinance

For

Rezoning Application pursuant to
the City of South Fulton Zoning Ordinance

by

Pulte Group (the "Applicant")

For

27.98 acres of land
at tax parcel 14F0125 LL047
located on Butner Road.

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Pulte Group, is the owner of that certain 27.98-acre tract of land located on the north side of Butner Road +/-1,000 ft east of the intersection of Butner Road and being tax parcel 14F0125 LL047 (the "Subject Property"). The Subject Property is currently wooded land, and is zoned R-3A, with a land use designation of Local Live Work and Rural Suburban and is located within the Cliftondale Overlay District. The Applicant is seeking to rezone the Subject Property to CUP for the development of a 62-unit single-family detached subdivision at a density of 2.21 units per acre.

This document is submitted as a Letter of Intent and a preservation of the Applicant's constitutional rights. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. NOTICE OF PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of South Fulton Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of South Fulton Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of South Fulton City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of South Fulton City Council to rezone the Subject Property to the classification as requested or issue the special land use permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the

Property or granting of a special land use permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



ENVIRONMENTAL SITE ANALYSIS (ESA) FORM A

Provide a complete Environmental Site Analysis document fully addressing all items as required in sections 1 through 3 below. Attach this Form A to the front of the completed Environmental Site Analysis document (and any subsequent revisions) prior to submission. For additional information and questions, please contact the Fulton County Office of Environmental Affairs at 404-613-0250.

ESA Revision Number: _____

Applicant: Pulte Group

Phone Number: (770) 381-3450

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies. Information regarding Fulton County's Comprehensive Plan may be found online at www.fultoncountyga.gov/fpcsd-home.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s). Cite the source of information regarding the presence or absence of environmental site features (e.g. according to the City of South Fulton website (www.cityofsouthfultonga.gov), wetland areas are located on the northwest portion of the site).

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://www.fws.gov/wetlands/>)
- Georgia Geologic Survey (404-656-3214)
- Fulton County Website (www.fultoncountyga.gov/fpcsd-home)
- Field observation and subsequent wetlands delineation/survey if applicable

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- City of South Fulton Website (www.cityofsouthfultonga.gov)
- Fulton County Community Development Services
- Field observation and verification

c. Streams/stream buffers

- Fulton County Website (www.fultoncountyga.gov/fpcsd-home)
- Field observation and verification

- d. Slopes exceeding 33 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation (including endangered species)
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish and endangered species)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Fulton County Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats

Environmental Site Analysis (ESA)
4531 Butner Road Atlanta GA

Conformance with Comprehensive Plan.

The Subject Property has a land use designation of Local Live Work (up to 5 units per acres) and Rural Neighborhood (up to 2 units per acre). The Subject Property is adjacent to a commercial corridor at the intersection of Stonewall Tell Road and Butner Road, which has a land use designation of Local Live Work. The proposed project has a proposed density of 2.22 units per acre, which provides for a suitable transition between the Rural Residential and Local Live Work land use areas, and densities. This section of South Fulton is one of the fastest growing areas in South Fulton. The concept of building at densities of less than 2 units per acre is simply not economically feasible for the average home buyer, as the cost of land has significantly increased in the area over the past 2 decades. As a result, home prices are being pushed higher and higher thereby prohibiting a diversity of home buying options for individuals of varying economic incomes. The proposed planned community will allow for homes to be built that are comparable to other new developments in the area, with a \$110.29 price per square foot sale price.

Environmental Impacts of the Proposed Project.

(a) **Wetlands.** According to the National Wetlands Inventory Wetlands Mapper, there are no wetlands located on the property.

(b) **Floodplain.** According to the FEMA National Flood Hazard interactive mapping system, the property is of minimal flood hazard.

(c) **Streams/stream buffers.** Based on fields observation and verification by the Applicant's surveyor, there is a stream that runs east to west through the middle of the site.

(d) **Slopes exceeding 33 percent over a 10-foot rise in elevation.** Based on fields observation and verification by the Applicant's surveyor, there are no slopes exceeding 33 percent over a 10-foot rise in elevation on the Subject Property.

(e) **Vegetation (including endangered species).** The Subject Property is mostly vacant of vegetation but partially wooded, however, to the Applicant's knowledge, based on field observation there are no endangered species located on the Subject Property.

(f) **Wildlife Species (including fish and endangered species).** Based on field observation, to the Applicant's knowledge, there are no endangered species located on the Subject Property.

(g) **Archeological/Historical Sites.** Based on field observation, to the Applicant's knowledge, there are no archeological or historical sites located on the Subject Property.

Project Implementation Measures

(a) **Protection of environmentally sensitive areas.**

The Applicant will seek to protect the environmentally sensitive areas located on the Subject Property.

(b) Protection of water quality.

Water quality features will be integrated into the stormwater facilities located on the Subject Property.

(c) Minimization of negative impacts on existing infrastructure.

The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project. It is the Applicant's intent to comply with all South Fulton development regulations, and to connect into the existing utilities in the area in order to minimize disturbance.

(d) Minimization on archeological/historically significant area.

To the Applicant's knowledge, there are no archeological/historically significant areas located on or near the Subject Property.

(e) Minimization of negative impacts on environmentally stressed communities.

The proposed uses in the proposed project will be for residential uses which are compatible with nearby communities, as the use will be contained on the Subject Property, and to the knowledge of Applicant, will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property.

(f) Creation and preservation of green space and open space.

The proposed project will result in the removal of trees from the Subject Property in compliance with the City of South Fulton's tree protection ordinance. Small understory trees will be planted ten to 30 feet on center along residential streets. Street trees shall be selected from appendix E of the South Fulton Tree Preservation Ordinance and Administrative Guidelines or as may be approved by the South Fulton Arborist.

(g) Protection of citizens from the negative impacts of noise and lighting.

All lighting on the Subject Property will comply with the City's rules and regulations, and there will be no negative impact from the noise generated by a typical residential subdivision.

(h) Protection of parks and recreational green space.

To the Applicant's knowledge, there are no parks or recreational green spaces in the area, or on the Subject Property.

(i) Minimization of impacts to wildlife habitats.

To the Applicant's knowledge, there are no wildlife habitats on or near the Subject Property.



IMPACT ANALYSIS FORM B

Applicant: Pulte Group

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? See Attached
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
3. Does the property to be rezoned have a reasonable economic use as currently zoned?
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
5. Is the zoning proposal in conformity with the policies and intent of the land use plan?
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton?

Attach additional sheets as needed.

IMPACT ANALYSIS

FORM B

STEINBERG CRITERIA

A. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The proposed rezoning to CUP is suitable in view of the use and development of adjacent and nearby property. The Subject Property is land suitable for residential development, includes multiple landscaped and natural buffers against adjacent properties and roadways to protect neighboring properties and provides a more efficient example of residential development than what is currently zoned.

B. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

C. Does the property to be rezoned have a reasonable economic use as currently zoned?

As a single family residential, the Subject Property zoned R-3A has less reasonable economic use as currently zoned. CUP zoning would allow for increased residential density and more efficient use of land development.

D. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The proposed use will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. This is a small subdivision, in comparison to many of the surrounding communities. The impact on the traffic patterns, schools and utilities in the area will be minimal.

E. Is the zoning proposal in conformity with the policies and intent of the land use plan?

The Subject Property has a land use designation of Local Live Work (up to 5 units per acre) and Rural Neighborhood (up to 2 units per acre). The Subject Property is adjacent to a commercial corridor at the intersection of Stonewall Tell Road and Butner Road, which has a land use designation of Local Live Work. The proposed project has a proposed density of 2.22 units per acre, which provides for a suitable transition between the Rural Residential and Local Live Work land use areas, and densities. This section of South Fulton is one of the fastest growing areas in South Fulton. The concept of building at densities of less than 2 units per acre is simply not economically feasible for the average home buyer, as the cost of land has significantly increased in the area over the past 2 decades. As a result, home prices are being pushed higher and higher

thereby prohibiting a diversity of home buying options for individuals of varying economic incomes. The proposed planned community will allow for homes to be built that are comparable to other new developments in the area, with a \$110.29 price per square foot sale price.

F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?

As the City of South Fulton continues to grow and develop, the proposed project will contribute to the development of Butner Road. The development itself will promote increased density through cluster development that encourages flexible and creative residential concepts and integrates well with the surrounding residential neighborhoods

G. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton?

The proposed site plan goes to great lengths to preserve the natural beauty of the land and protect the environmentally sensitive areas on the Subject Property.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Rezoning Application be approved by the City of South Fulton City Council.



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

CIRCLE ONE: YES **NO**

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Rick E. Martin

Signature:  Date: 10/22/2020



SITE PLAN CHECKLIST FORM F

Site plans for rezoning and use permit must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

ITEM #	DESCRIPTION	CHECK ✓
1	Key and/or legend and site location map with North arrow	✓
2	Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning	✓
3	Acreage of subject property	✓
4	Location of land lot lines and identification of land lots	✓
5	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property	✓
6	Proposed streets on the subject site	✓
7	Posted speed limits on all adjoining roads	✓
8	Current zoning of the subject site and adjoining properties	✓
9	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property	✓
10	Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the County's aerial photography or an acceptable substitute as approved by the Director	✓
11	Location of proposed buildings (except single family residential lots) with total square footage	✓
12	Layout and minimum lot size of proposed single-family residential lots	✓
13	Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects; Onsite areas with slopes greater than thirty-three percent (33%) shall be labeled and identified through cross-hatching and/or separate colors.	✓
14	Location of major overhead and underground electrical and petroleum transmission/conveyance lines	✓
15	Required and/or proposed setbacks	✓
16	100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps	✓
17	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	✓
18	Required and proposed parking spaces; Loading and unloading facilities	✓
19	Lakes, streams and other waters on the site and associated buffers	✓
20	Proposed stormwater management facilities	✓
21	Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access	✓
22	Availability of water system and sanitary sewer system	✓
23	Tree lines, woodlands and open fields on subject site	✓
24	Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See Fulton County Subdivision Regulations)	✓
25	Wetlands shown on the County's GIS maps or survey	✓
26	Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.	N/A

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan and determined that it meets the minimum standards specified by Article 28.5.2 of the Zoning Resolution.

Staff signature: _____ Date: _____
Planning Division
Community Development and Regulatory Affairs

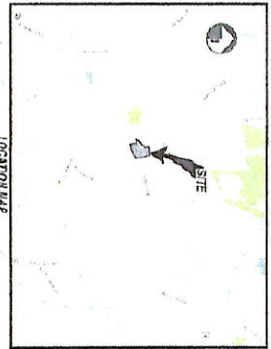
Staff printed name: _____

Pre-APP
Meeting
Was held
on
9.17.2020

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the City of South Fulton Zoning Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

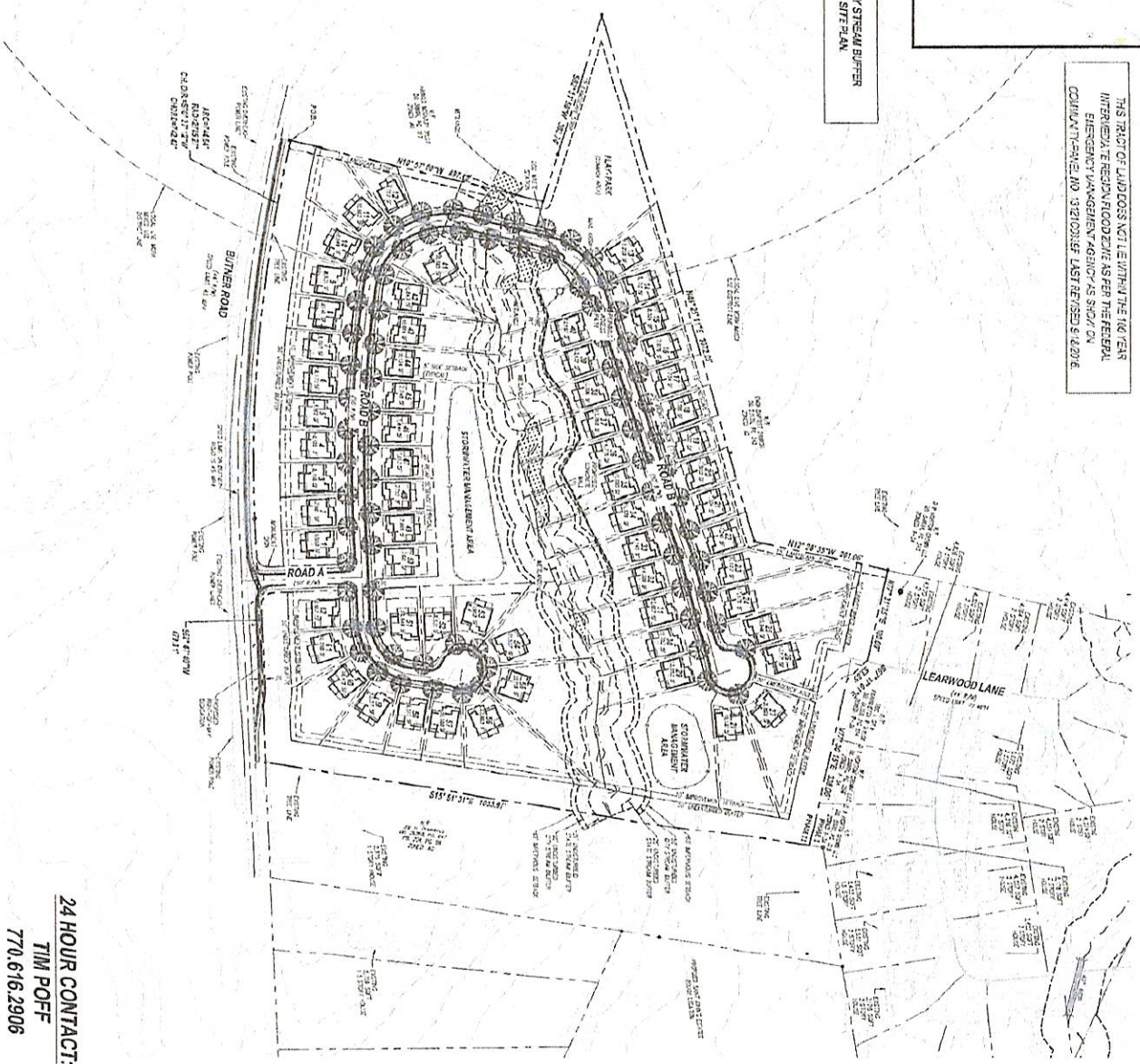
Applicant signature: _____ Date: 10/22/2020

Applicant printed name: Pulte Group

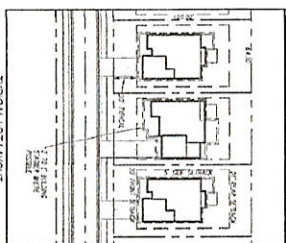


THIS TRACT OF LAND LIES WITHIN THE 100 YEAR INTERMITTENT FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S SPECIAL STUDY MAP NO. 13210134F, LAST REVISED 6/1/2016.

LEVEL ONE VARIANCE TO THE FULTON COUNTY STREAM BUFFER PROTECTION ORDINANCE REQUIRED FOR THIS SITE PLAN.



24 HOUR CONTACT:
TIM POF
770.616.2906



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REVISIONS

NO.	DATE	DESCRIPTION
1	01/14/2021	ISSUED FOR PERMIT
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74	01/14/2021	REVISIONS
75	01/14/2021	REVISIONS
76	01/14/2021	REVISIONS
77	01/14/2021	REVISIONS
78	01/14/2021	REVISIONS
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91	01/14/2021	REVISIONS
92	01/14/2021	REVISIONS
93	01/14/2021	REVISIONS
94	01/14/2021	REVISIONS
95	01/14/2021	REVISIONS
96	01/14/2021	REVISIONS
97	01/14/2021	REVISIONS
98	01/14/2021	REVISIONS
99	01/14/2021	REVISIONS
100	01/14/2021	REVISIONS

OWNER/DEVELOPER

PulteGroup

2475 NORTHWINDS PKWY # 600
ALPHARETTA, GA 30009
PHONE: (770) 381-3430

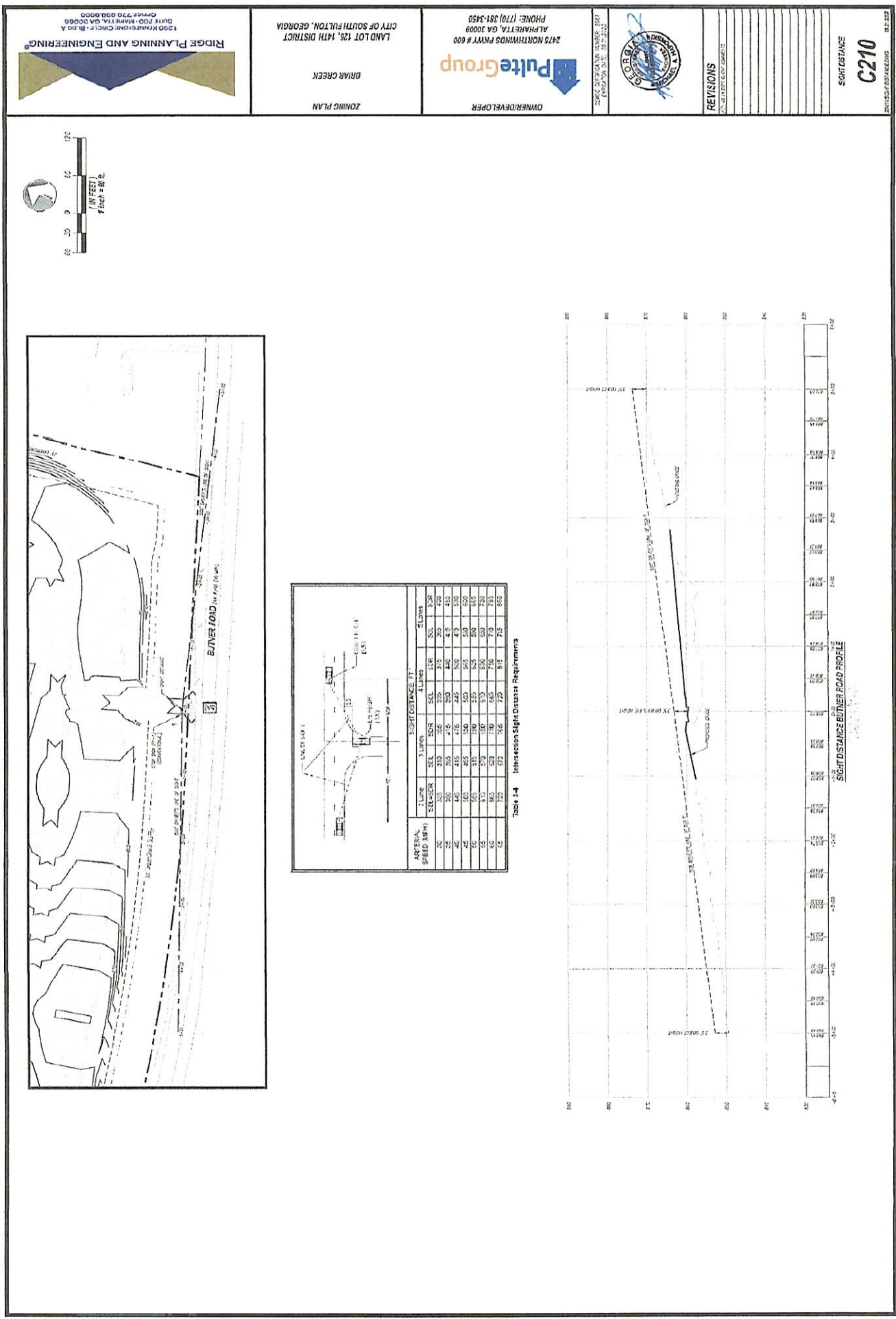
ZONING PLAN

BRIAR CREEK

LAND LOT 126, 14TH DISTRICT
CITY OF SOUTH FULTON, GEORGIA

RIDGE PLANNING AND ENGINEERING®

1290 KENNEDY CIRCLE - BUILD A
SUITE 200 - ALPHARETTA, GA 30066
OFFICE 770.939.9000



MEMO

To: Brad Edwards, Pulte
From: John Karnowski, P.E., PTOE, AICP
Cc: Mike Haponski, P.E., Ridge Planning & Engineering
Date: September 17, 2020
Re: Briar Creek Subdivision Traffic Assessment

NV5 Engineers + Consultants has completed an assessment of the relative traffic impacts from the proposed 64-unit subdivision to be located on Butner Road, east of Stonewell Tell Road in the City of South Fulton, Georgia. The development will have a single access point on Butner Road. Figure 1 shows the location of the site in southwest Fulton County and the schools in the vicinity.

The estimated trip generation was calculated using the data and methodology provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Ed., 2017.

Land Use (ITE LUC)	Intensity	Daily	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Single-Family (210)	64 units	690	50	13	37	66	42	24

Given the location of the subdivision and the prevailing traffic patterns, most of the commuter traffic is expected to head east from the site towards Camp Creek Parkway. However, during the morning peak hour, some traffic will head west towards one of several schools. The peak hour site trips are shown in Figure 2. Note, the volume of peak hour traffic is very smaller and will have an insignificant impact on the surrounding road network.

The intersection of Butner Road and Stonewell Tell Road is an all-way stop condition. Currently, traffic backs up on Butner Road west of Stonewell Tell Road in the morning as commuters make their way east. As traffic in the area continues to grow, a traffic signal or roundabout is likely to be needed. However, the subject site would contribute a very small percentage of volume that will use that intersection.

The site driveway will have low peak hour volume. Turn lanes into the site are not needed although they may be required per development regulations.

Figure 1. Site Location

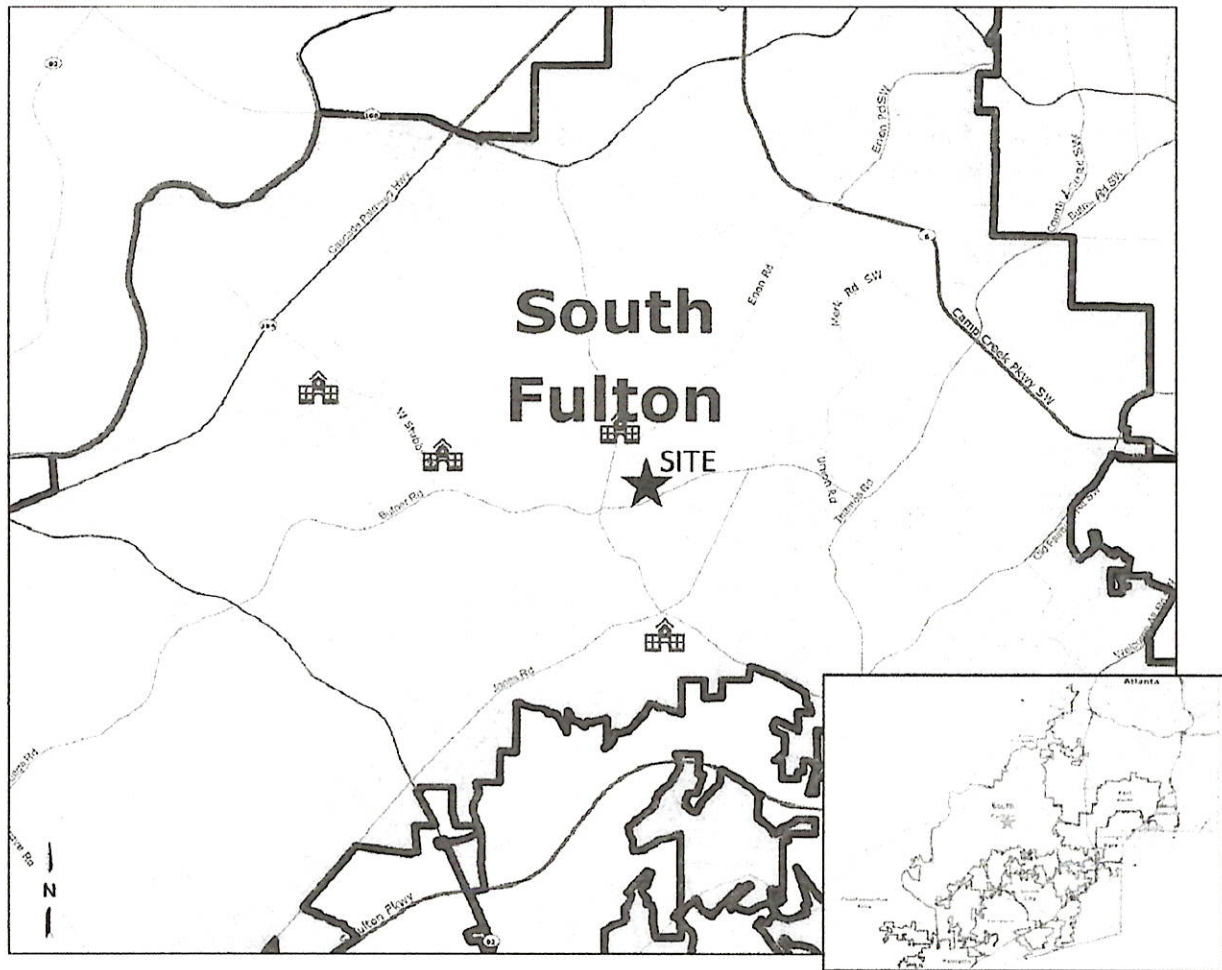
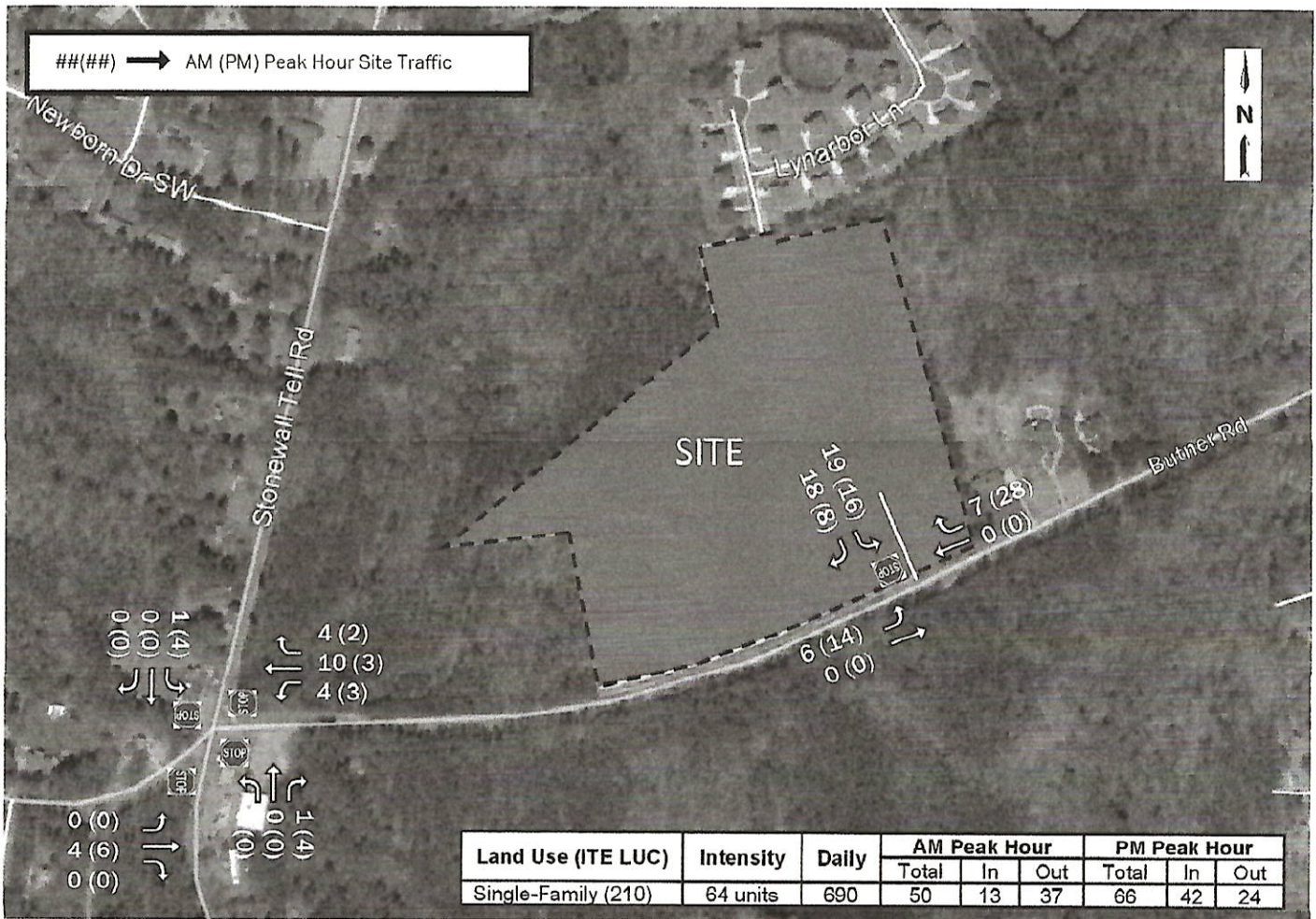


Figure 2. Site Traffic Volume



December 14, 2020

TO:

Mr. Nathan Mai-Lombardo, Zoning Administrator
City of South Fulton
5440 Fulton Industrial Blvd.,
SWAtlanta, GA 30336

On behalf of Pulte Group, Battle Law P.C is amending the application to add a concurrent variance to allow a retaining wall to be built within the stream buffer.

Along with this letter we have attached the Amended and Restated Statement of Intent as well as the variance plats.

Sincerely,
Michèle L. Battle, Esq.

AMENDED AND RESTATED
LETTER OF INTENT AND
IMPACT ANALYSIS

As Required by
City of South Fulton, Georgia Zoning Ordinance

For

Rezoning Application pursuant to
the City of South Fulton Zoning Ordinance
together with Concurrent Stream buffer Variance Request

by

Pulte Group (the “Applicant”)

For
27.98 acres of land
at tax parcel 14F0125 LL047
located on Butner Road.

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Pulte Group, is the owner of that certain 27.98-acre tract of land located on the north side of Butner Road +/-1,000 ft east of the intersection of Butner Road and being tax parcel 14F0125 LL047 (the “Subject Property”). The Subject Property is currently wooded land, and is zoned R-3A, with a land use designation of Local Live Work and Rural Suburban and is located within the Clifondale Overlay District. The Applicant is seeking to rezone the Subject Property to CUP for the development of a 59-unit single-family detached subdivision at a density of 2.11 units per acre.

This document is submitted as a Letter of Intent and a preservation of the Applicant’s constitutional rights. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. CONCURRENT STREAM BUFFER VARIANCE REQUEST AND JUSTIFICATION

Simultaneously with the submission of this Application, the Applicant is requesting a variance to allow for a retaining wall to be located within the 75ft stream buffer, as shown on the variance plat submit with this Application. In order to install the retaining wall, some grading within the stream buffer area will be required. Once the retaining wall is installed, the area will be seeded, and to the extent required, trees will be replanted, and the area will remain as stream buffer.

Other than the retaining wall, no other improvements will be located within the 75ft stream buffer, nor the 25ft impervious surface setback. The Subject Property is traversed through the center of the site by a creek. The single family lots are proposed on the North and South side of the creek. The severe grades require the installation of retaining walls in order to stabilize the area for the development of the adjacent homes. The edge of vegetation will not be disturbed by the installation of the proposed retaining walls. The installation of the retaining wall will be done without disturbance to the initial 50 ft of the stream buffer. The inability to obtain the variances requested will significantly impair the viability of the propose proposed project, and create an unnecessary hardship on the Applicant, while causing no detriment to the public.

II. NOTICE OF PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of South Fulton Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant’s property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution

of the United States.

The application of the City of South Fulton Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment

to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of South Fulton City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of South Fulton City Council to rezone the Subject Property to the classification as requested or issue the special land use permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property or granting of a special land use permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: CV20-002: Council to consider a concurrent variance to case Z20-007 at 0 Butner Rd for the purpose of constructing a retaining wall in a buffer area

DATE: April 27, 2021

SUBJECT: CV20-002: Council to consider a concurrent variance to case Z20-007 at 0 Butner Rd for the purpose of constructing a retaining wall in a buffer area

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
CV20-002	Cover Memo	4/22/2021

CV20-002

Concurrent Variance o Butner Rd.

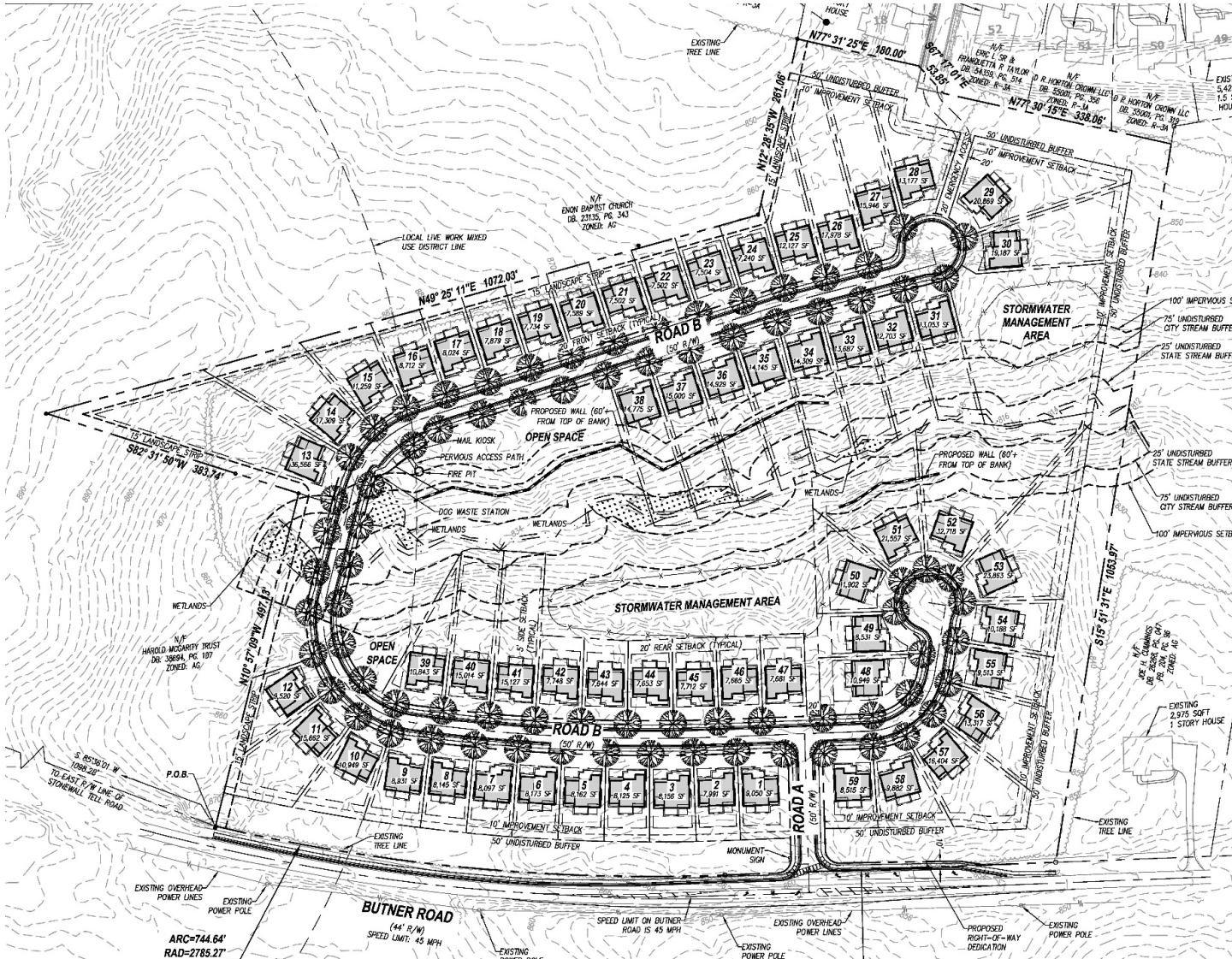
City Council Zoning Hearing
City of South Fulton
April 14, 2021



CV20-002: 0 Butner Rd.

- This case is for a Concurrent Variance to case -007
- The petitioner is asking for permission to construct a retaining wall in a buffer area
- The retaining wall is necessary due to topography
- Buffer area would only be disturbed for the placement of this wall, and then left as green space
- Engineering has signed off on its necessity
- Staff recommendation is denial due to its association with a noncompliant Land Use request
- Planning Commission recommended denial

CV20-002: 0 Butner Rd.



GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: M21-004: Council to consider a modification at 0 Campbellton Rd to allow for the construction of an apartment complex with commercial outparcels

DATE: April 27, 2021

SUBJECT: M21-004: Council to consider a modification at 0 Campbellton Rd to allow for the construction of an apartment complex with commercial outparcels

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
M21-004	Cover Memo	4/22/2021
M21-004 CV21-002 Final Staff Report	Cover Memo	4/22/2021

M21-004

Modification Request o Campbellton Rd.

City Council Zoning Hearing
City of South Fulton
April 14, 2021



M21-004: 0 Campbellton Rd.

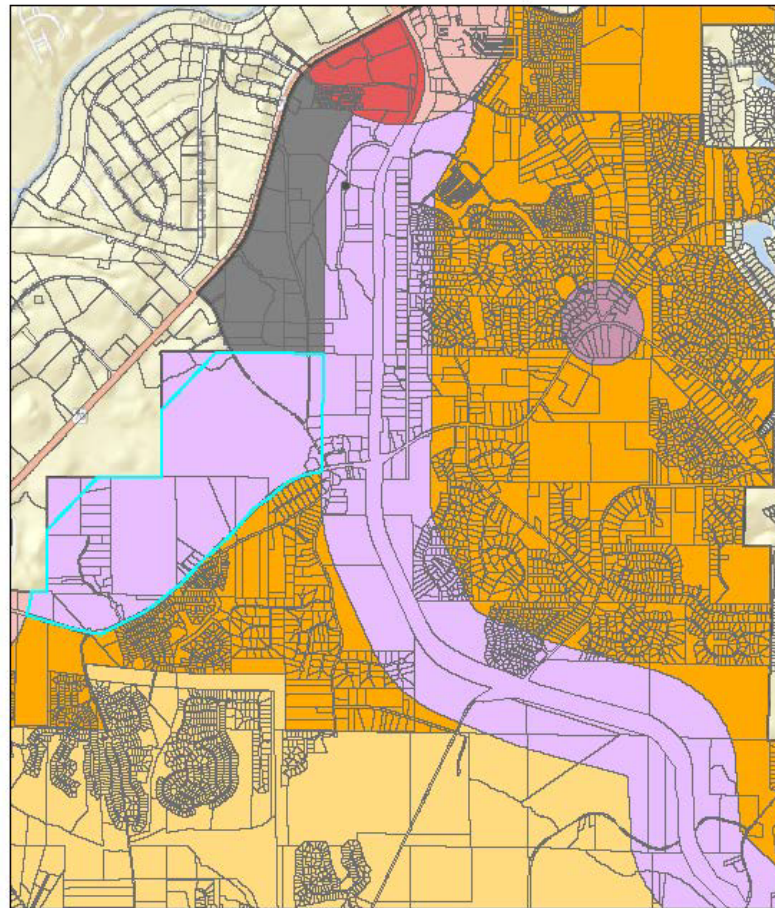
- Petitioner is asking for a modification to the existing zoning conditions requiring a grocery store with fuel pumps
- They are asking for the ability to construct a multi building apartment complex with multiple adjacent commercial outparcels
- Total will be 300 residential units and 7 commercial parcels
- Staff recommendation is for approval

M21-004: o Campbellton Rd.



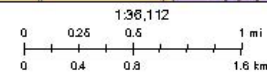
M21-004: o Campbellton Rd.

COSF ArcGIS Web Map



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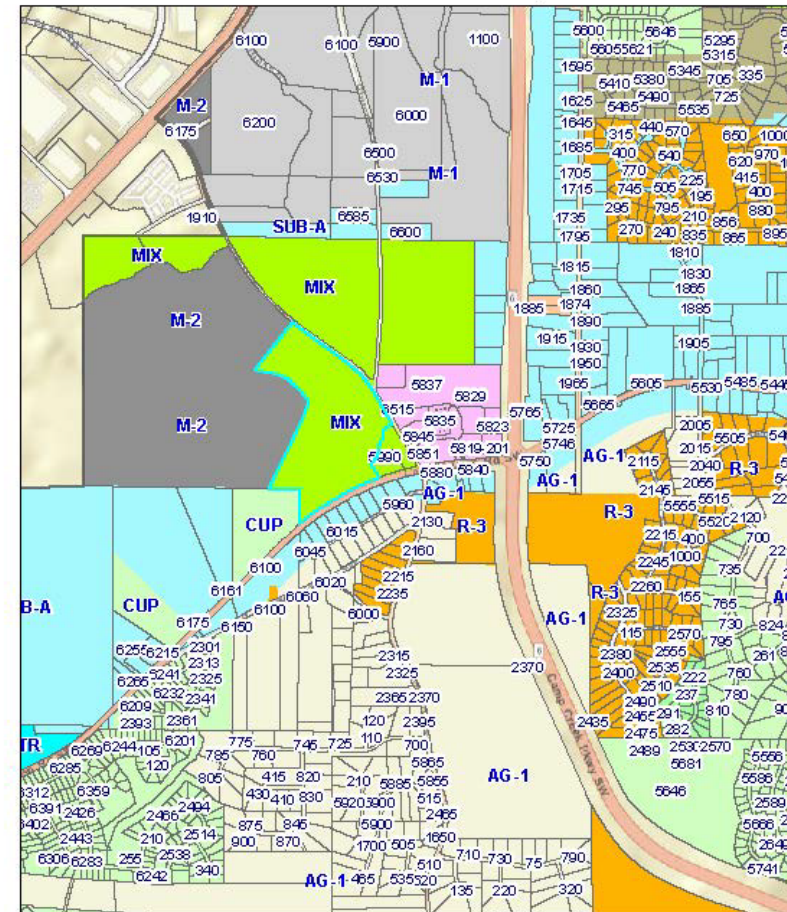
- Address Points
- County Parcels All
- City Limits
- 2035 Future Land Use
- Community Lve Work
- Industrial Marketplace
- Industrial Zone
- Local Lve Work
- Regional Lve Work
- Rural Neighborhood
- Suburban Neighborhood



Cart, HERE, Garmin, NAD83, WGS84, USGS

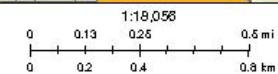
Web AppBuilder for ArcGIS
Copyright 2019, Esri

COSF ArcGIS Web Map



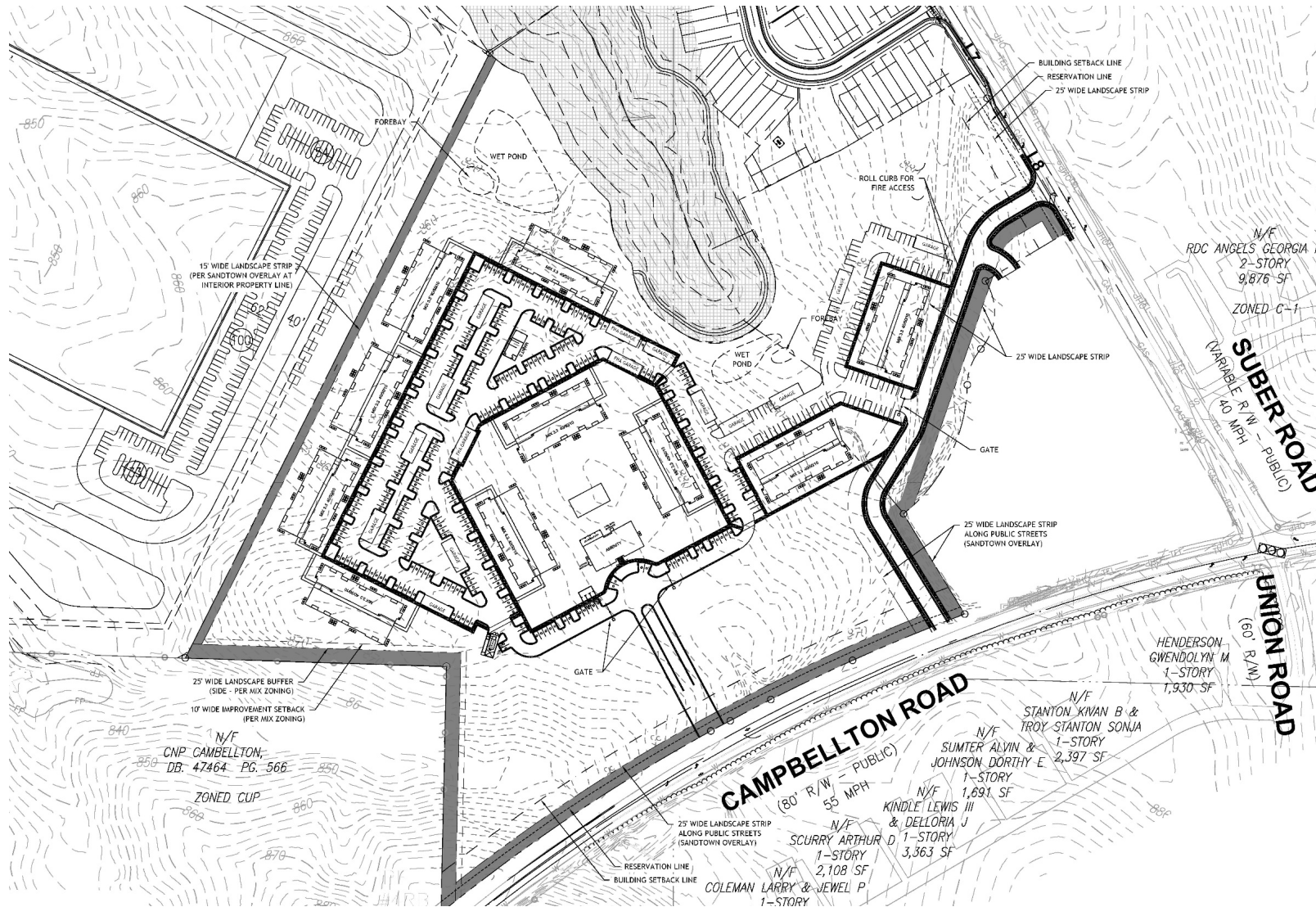
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- Address Points
- County Parcels All
- City Limits
- 2035 Future Land Use
- C-1 (Limited Commercial)
- CUP (Community Unit Plan)
- M-1 (Light Industrial)
- M-2 (Heavy Industrial)
- SUB-A (Single Family Dwelling)
- AG-1 (Agricultural)
- R-2 (Single Family Dwelling)
- R-3 (Single Family Dwelling)
- R-4 (Single Family Dwelling)
- SUB-A (Single Family Dwelling)
- TR (Townhouse Residential)



Cart, HERE, Garmin, NAD83, WGS84, USGS

M21-004: o Campbellton Rd.



M21-004: o Campbellton Rd.



M21-004: o Campbellton Rd.



M21-004: o Campbellton Rd.



GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: City of South Fulton Mayor and Council
FROM: Planning & Zoning Division
SUBJECT: **M21-004 and CV21-002 for o Campbellton Rd.**
MEETING DATE: April 14, 2021

To consider an amendment to the Zoning Conditions in **2016Z-0016 (1a, 1b, and 2a)** to allow an apartment complex instead of fuel center associated with a grocery store.

To consider a concurrent variance to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit. This will equate to 485 parking spaces for 300 units down from the required 543 spaces.

STAFF RECOMMENDATIONS: APPROVAL of the Modification request
APPROVAL of Variance Request

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Steve Rothman for Carter Acquisitions, LLC 1440 Dutch Valley PL. Ste 1200 Atlanta GA, 30324
Status of Applicant:	Attorney
City Council District(s):	1
Parcel ID Number:	14F0131 LL0040
Area of Property:	24.4 Acres
Current/Past Use of the Property:	This property is currently undeveloped.
Prior Zoning Cases/History:	2016Z-16 a rezoning from C-1 to MIX. Approved with conditions. 2016VC-0027 a variance to allow the Greystone Power Corp. "Salem" Post Top Light fixture instead of historic period lighting.
Surrounding Zoning:	<u>North</u> : MIX (Mixed Use) <u>South</u> : Sub-A (Residential) <u>East</u> : M2 (Heavy Industrial) <u>West</u> : C-1 (Commercial)
2035 Future Land Use Designation:	<u>Character Type</u> : Community Live Work <u>Land Uses</u> : Live-Work Community, Public, Semi-Public, and Institutional Open Space <u>Zonings</u> : MIX, C-1, C-2, O-I
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes. The proposed modification does align with the Comprehensive Future Land Use Designation.
Overlay District:	Sandtown Overlay District
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to this site by Fulton County.
Public Services:	Police and Fire services are available to the site by the City of South Fulton.
Transportation:	Street: Campbellton Road Classification: Minor Arterial State Public Transit: The closest MARTA bus stop is on Fulton Industrial Blvd. .80 miles away. Bike/Pedestrian Access: Sidewalks walks are currently not present at the site but will be included along the road frontage as part of the development.

MAPS:**City of South Fulton Zoning, Future Land Use, and Aerial Map:**

(see attached)

Proposed Site Plan:

(see attached)

CONDITION(S) TO BE MODIFIED:

Current language: condition 1a)

Retail, service commercial and/or office and accessory uses, excluding all exterior food and beverage service areas, at a maximum density of 3,643.95 square feet per acre zoned or a total of *167,731 square feet, whichever is less, but excluding convenience stores with gas pumps except a fuel center associated with a grocery store; freestanding fast food restaurants allowed only along Campbellton Road (SR 166) frontage; commercial amusements; liquor stores, adult book stores; pawn shops; check cashing facilities; hotels; and coin operated laundromats which do not include commercial dry cleaning establishments.

Current Language: condition: 1b)

Provide a minimum of 21,000 square feet of office/institutional and accessory uses. The total gross square footage shall be calculated as part of the total floor area allowed in condition 1a.

Current language condition: 2a)

References a conceptual site plan received on September 13, 2017.

Updated language: 1a)

Retail, service, office, institutional and/or commercial accessory uses not to exceed a total of 100,000 square feet of floor area, and multi-family residential dwelling units and accessory uses, not to exceed a total of 300 units or a total of 12.3 units per acre for the 24.4 which are subject to this modification. The following uses are excluded: commercial amusements, liquor stores, adult bookstores, pawnshops, check cashing facilities, hotels and coin operated laundromats which do not include commercial dry-cleaning establishments.

Updated language: 1b)

~~Provide a minimum of 21,000 square feet of office/institutional and accessory uses. The total gross square footage shall be calculated as part of the total floor area allowed in condition 1a.~~

Updated Language: 2a)

Updated to reference the site plan submitted on February 19, 2021.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted to assist the Zoning Board of Appeals in considering the application and its merits. According to our Code, these considerations include:

808.09 Hardship Criteria:

Primary variances shall only be granted by the Zoning Board of Appeals and concurrent variances shall only be granted by City Council upon showing that, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and such approval will not be contrary to the public interest. A variance from the terms on this Ordinance shall not be granted unless a written application is submitted demonstrating:

- a) The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;
- b) That special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- c) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance;
- d) That the special conditions and circumstances do not result from the actions of the appellant;
- e) That granting the variance requested will not confer on the appellant any special privilege that is denied by this Zoning Ordinance to other lands, structures or buildings in the same district;
- f) That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant nor to gain any advantage or interest over similarly zoned properties; and
- g) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

PUBLIC PARTICIPATION

A total of five people attended the public participation meeting held on March 30, 2021 at 7:00pm via Zoom. Residents asked questions about traffic calming measures, project start date, project cost. The applicant answered their questions and responded that they are planning traffic calming measures, the construction start date is late 2022, and the total cost is in excess of \$25 million.

STAFF COMMENTS

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: The traffic engineer was present at the pre-application meeting and submitted his comments at that time

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Comments were submitted, and the report is attached.

Fire: The Fire Marshall was present at the pre-application meeting and submitted her comments at that time.

Legal: Requested information, none provided.

PLANNER'S RECOMMENDATION

The apartment complex is allowed in the MIX designation per the zoning code. The MIX designation with the apartment complex is also allowed per the Comprehensive Land Use Plan.

Breakdown of Rental Units:

- 1 BR (40%) – 120
- 2 BR (50%) – 150
- 3 BR (10%) – 30

The topography and shape of the parcel create a hardship making the additional parking difficult given the parcel's jagged edges and corners. The reduction in parking is further justified by the change the development type from commercial to residential. The number of daily trips will be significantly reduced. This takes into consideration the future outparcels; those will have their own parking. Reduced daily trips will also help to mitigate local road congestion.

The development will incorporate 1 parking space per 1 BR, 2 parking spaces per 2 BR and 3 BR, and 1 parking space per 1,000 of leasing office. The applicant has had success with this breakdown at other similar developments. Some of the allocated parking spaces will be private garages.

Planners modification recommendation is **APPROVAL**

Planners variance recommendation is **APPROVAL**

PREPARED BY:

Marissa Jackson, Planner

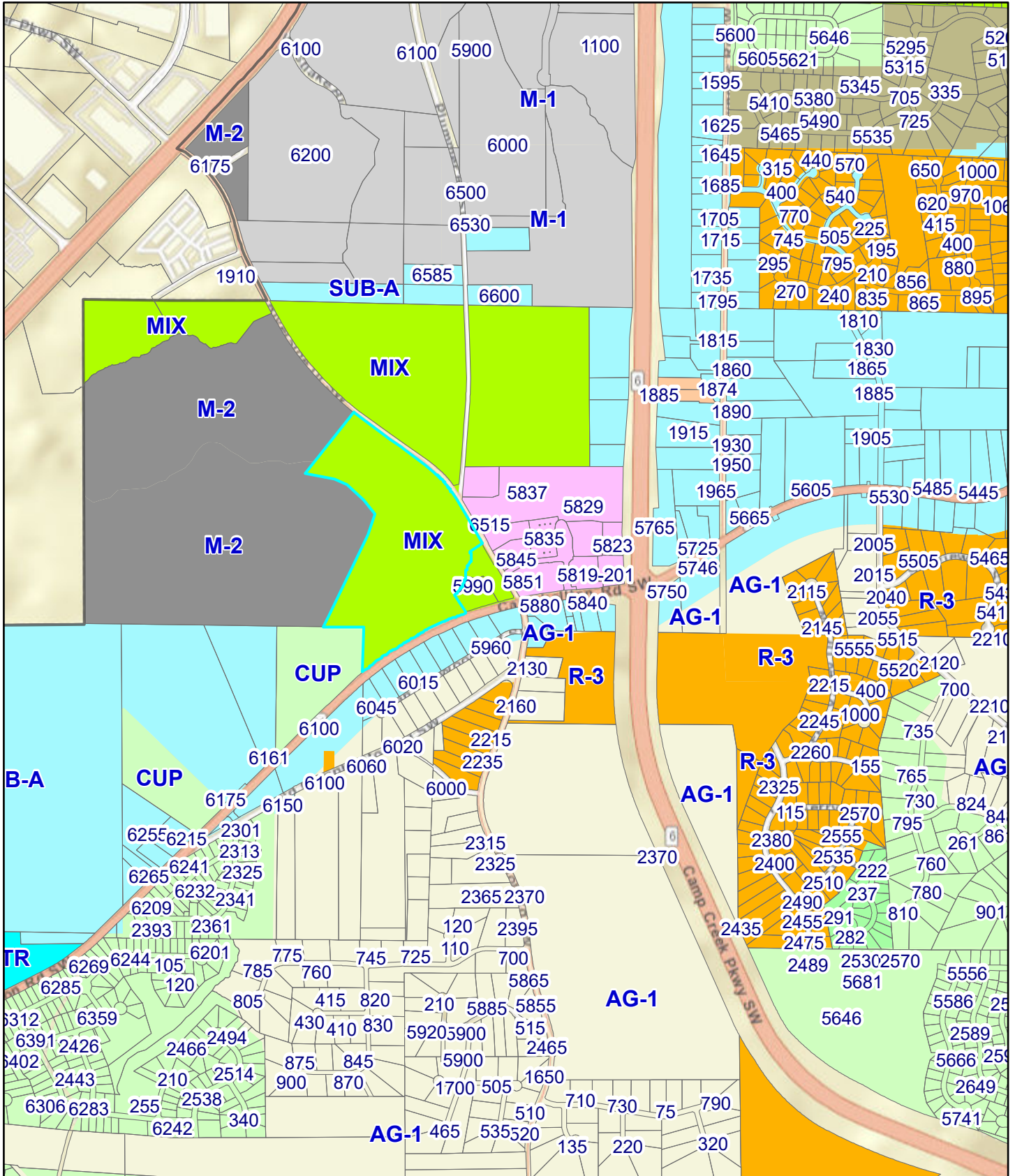
REVIEWED BY:

Shayla Reed, Director

MAYOR & COUNCIL ACTION

TBD

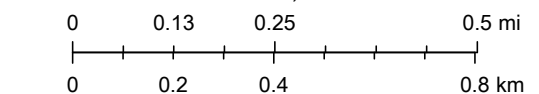
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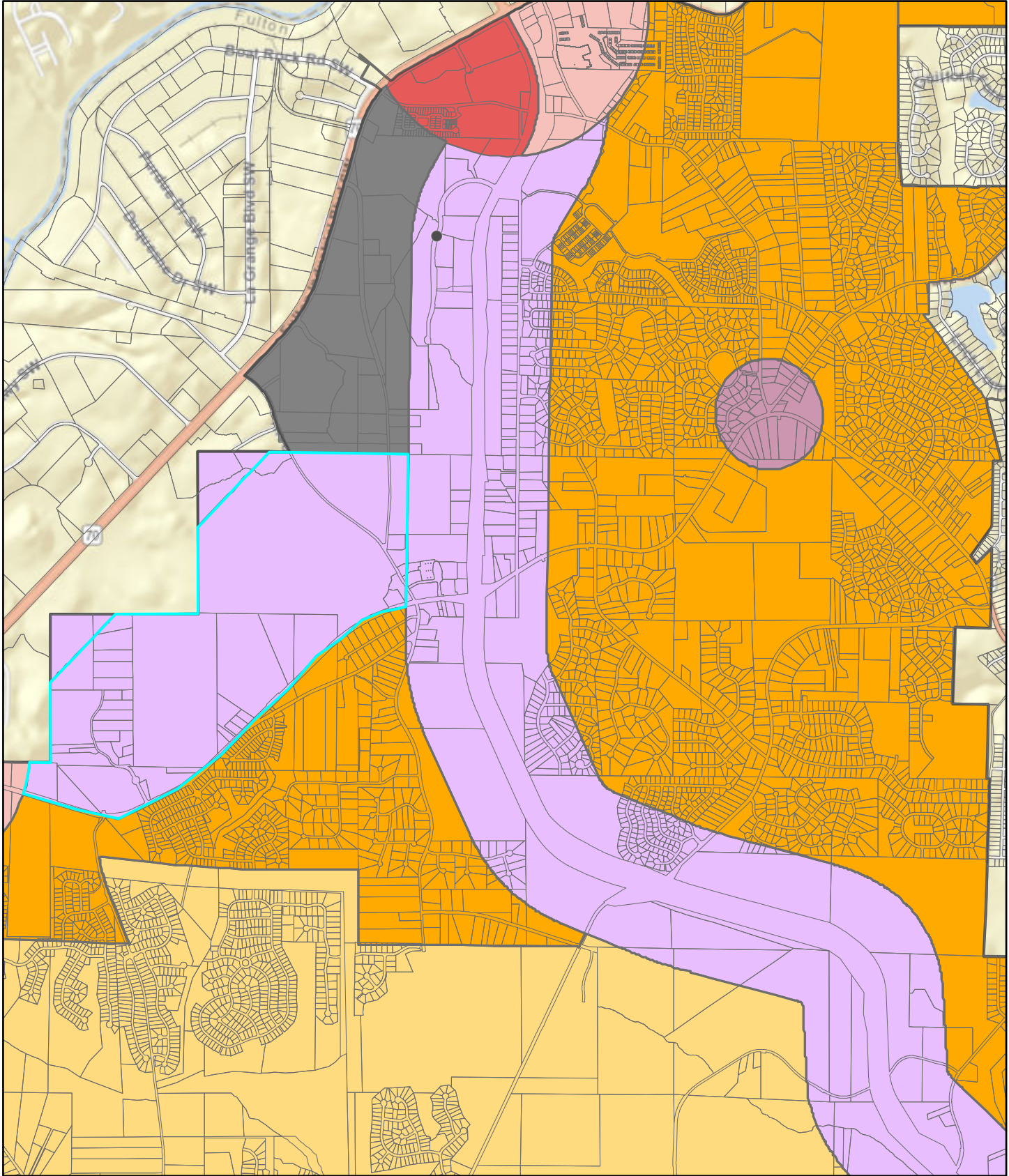
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- | | | |
|--------------------|------------------------------|--------------------------------|
| Address Points | C-1 (Limited Commercial) | R-2 (Single Family Dwelling) |
| County Parcels All | CUP (Community Unit Plan) | R-3 (Single Family Dwelling) |
| City Limits | M-1 (Light Industrial) | R-3A (Single Family Dwelling) |
| Current Zoning | M-2 (Heavy Industrial) | R-4 (Single Family Dwelling) |
| | MIX (Mixed Use) | SUB-A (Single Family Dwelling) |
| | AG-1 (Agricultural) | TR (Townhouse Residential) |
| | NUP (Neighborhood Unit Plan) | |



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

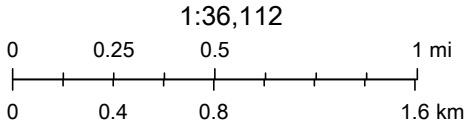
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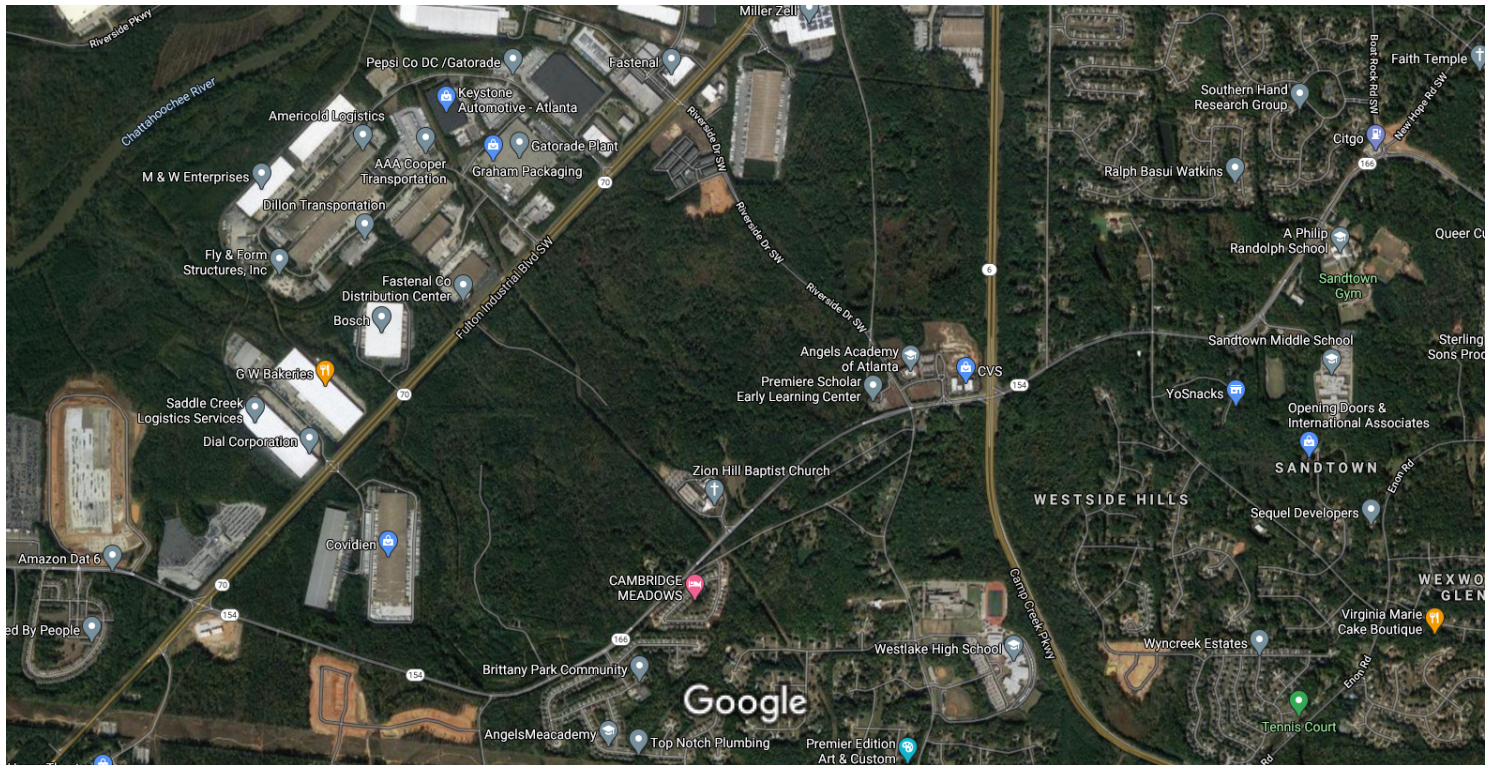
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- Address Points
- County Parcels All
- City Limits
- 2035 Future Land Use
- Community Live Work

- Industrial Marketplace
- Industrial Zone
- Local Live Work
- Regional Live Work
- Rural Neighborhood
- Suburban Neighborhood



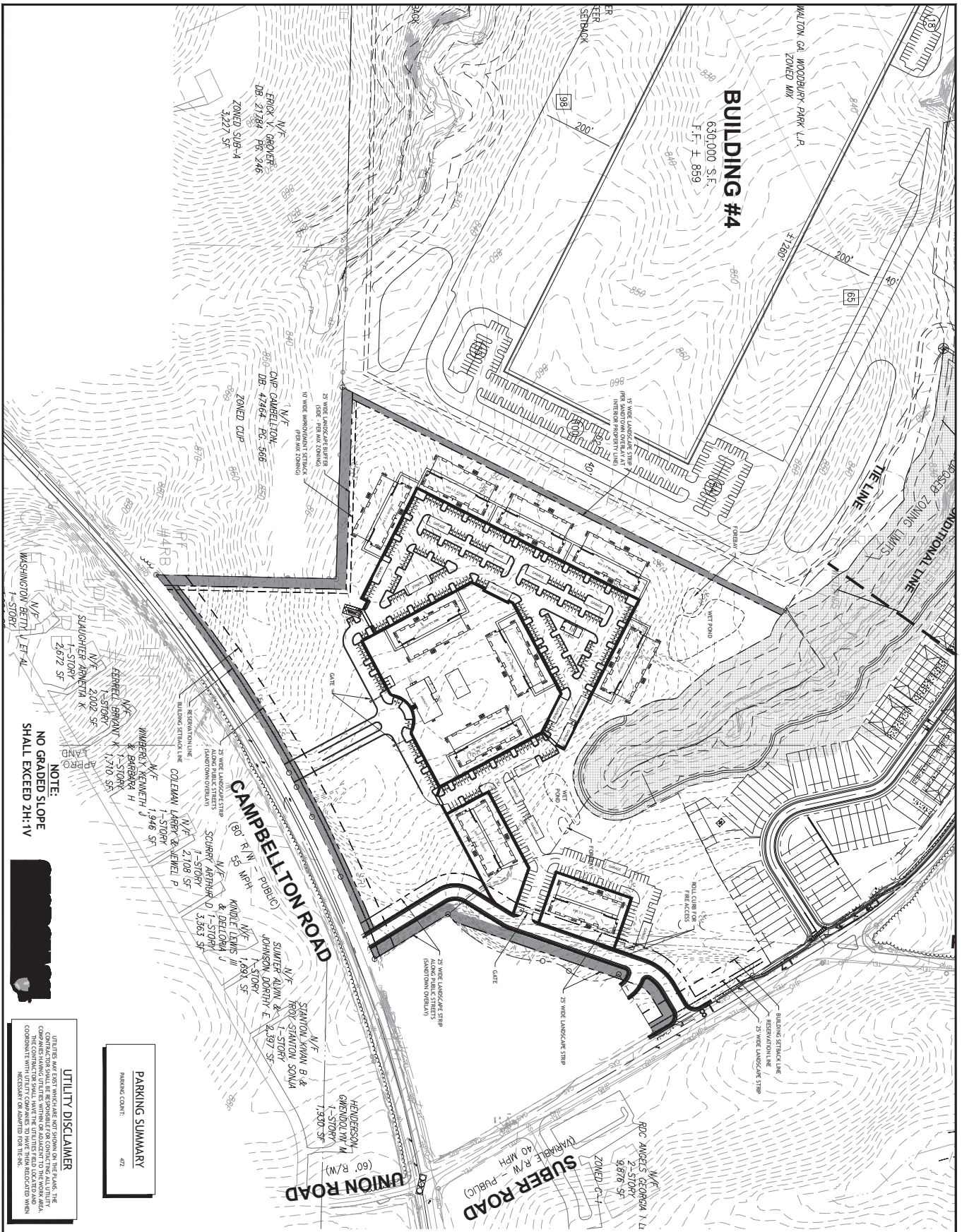
Esri, HERE, Garmin, INCREMENT P, NGA, USGS



Imagery ©2021 Landsat / Copernicus, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 1000 ft

- Proposed Carter Multifamily (18 Acres)
- Proposed D.R. Horton Townhomes
- Industrial
- Carter Commercial Pad Sites (6.5 Acres)





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Rezoning Impact Statement

3/15/2021

PETITION: M21-004

JURISDICTION: South Fulton

Proposed Residential Units

Single-family detached: 0 Townhouses: 0 Apartments: 300 Condominiums: 0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A	GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B
				WITHOUT DEV WITH DEV
Stonewall Tell ES	652 to 692	850	7 to 45	-198 to -158 -198 to -113
Sandtown MS	1,001 to 1,063	1,175	0 to 17	-174 to -112 -174 to -95
Westlake HS	2,087 to 2,217	1,925	3 to 43	162 to 292 165 to 335
TOTAL			10 to 105	Insufficient historical data to run report?: ☐

HS REGION: Westlake HS	AVERAGE - 1 STD. DEV.	AVERAGE + 1 STD. DEV.	
One single-family detached unit generates:			
	0.046394	to	0.350258 elementary school students
	0.014628	to	0.120686 middle school students
	0.049209	to	0.245787 high school students
One townhouse unit generates:			
	0.000000	to	0.46149 elementary school students
	0.000000	to	0.148339 middle school students
	0.000000	to	0.290501 high school students
One apartment unit generates:			
	0.021807	to	0.148973 elementary school students
	0.000000	to	0.058115 middle school students
	0.009735	to	0.144645 high school students
One condominium unit generates:			
		to	elementary school students
		to	middle school students
		to	high school students

(Note: Empty/null values indicate insufficient historic data)

^A Forecasted enrollment for the 2020-21 school year

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

^{*} State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

^{**} Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

Those individuals, associations, political jurisdictions and other public agencies required by staff and the City of South Fulton Zoning Ordinance will be (or have already been) notified.

2. The individuals and others listed in 1. above will be notified of the requested modification using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters, emails, zoom meetings, telephone calls and meeting notices will or have already been used to notify those listed in 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.

February 19, 2021

- 1. Add some brick and mortar or stone to the exterior of the buildings. We want Sandtown Crossing to be our “town center” and adding this element to the property will be in keeping with the look of the businesses that are already there.**

We understand your request and have gone back to confirm building material requirements for the Sandtown Overlay District. After consulting with our architects and design & construction team, we are unable to commit to using brick or stone on this project. We have designed our multi-family buildings to meet all of the design standards set forth in the Sandtown Overlay District. Our multi-family buildings have been designed with cementitious siding, which is one of the approved materials in the Overlay District. They are also an approved color, as outlined by the Overlay District. The overall site plans also includes sidewalk, lighting, and landscaping standards—which will help make it a walkable, horizontal, mixed-use community with a “town center” feel. While the retail buildings have not been designed at this time, they will also need to adhere to the Overlay District’s design standards. Lastly, to ensure the Overlay District standards are being upheld, the City will have to approve all aspects of exterior design before any project is approved.

- 2. Tax revenue vs rental. Building condos/townhomes would generate tax revenue to the city as opposed to rental.**

For rent apartments and commercial will generate tax revenue to the City, much more so than the current vacant land. Also, to echo what Councilmember Rowell said, DR Horton is planning a townhome project on Riverside Drive just north of this site.

- 3. Constructing the commercial part of the development should be in conjunction with the residential construction. As we said in previous meetings, our community has been disappointed by developers’ promises that the commercial piece will follow the residential piece and that never happens.**

We view the commercial component of this development as a complimentary piece to our high end multi-family project and a critical piece of our overall project. We want something there that is both beneficial to our development and the community. In an effort to achieve this, we have been coordinating with the City of South Fulton’s Economic Development department. We had a call with them on Friday (2/12) to brief them on our site plan and discuss collaboration opportunities. To start, they are going to connect us with two high quality, local businesses who are interested in coming to South Fulton and the City thinks our site would be great locations for them.



ZONING MODIFICATION APPLICATION PACKAGE



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____

(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development & Regulatory Affairs.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M _____

- 1) Planner who determined the type of Modification you should file: Marissa Jackson; Dana Gray
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). 1-A ; 1-B ; 2-A ;
- 3) Petition number of the Zoning or Use Permit to which this application applies Fulton County
Current zoning district 20162-0016
- 4) Attach a copy of Legal Description [must be metes and bounds] or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: 14F / _____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: Campbellton Road

NOTICE: Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

SEE ATTACHED

TYPE OR PRINT OWNER'S NAME
Walton GA Woodbury Park, LP an Alberta
Limited Partnership
ADDRESS Walton Georgia LLC Georgia Limited
Liability Co.
CITY & STATE ZIP CODE

Sworn to and subscribed before me this
_____ day of February 20 21

NOTARY PUBLIC

OWNER OF PROPERTY (SIGNATURE)

PHONE NUMBER

EMAIL ADDRESS

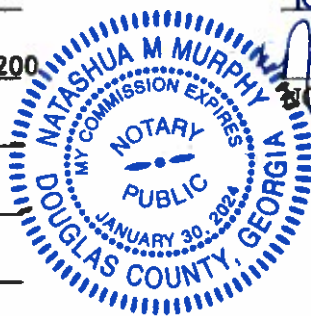
SECTION IV: Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

[Signature]
APPLICANT (SIGNATURE)
Carter Acquisitions, LLC
TYPE/PRINT NAME OF APPLICANT
1440 Dutch Valley Place, Suite 1200
ADDRESS
Atlanta GA 30324
CITY & STATE ZIP CODE
c/o Steve Rothman 404-853-5050
PHONE NUMBER
srothman@wbilegal.com
EMAIL ADDRESS

Sworn to and subscribed before me this
10th day of February 20 21

NOTARY PUBLIC



Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

S Rothman
by AP w/express permission from SR
SIGNATURE OF ATTORNEY/AGENT
AGENT Wilson Brock & Irby, LLC
2849 Paces Ferry Rd, SE, Suite 700
ADDRESS
Atlanta GA 30339
CITY & STATE ZIP CODE
404-853-5050
PHONE NUMBER

CHECK ONE: [☒] ATTORNEY [_____]



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) ADAM PARKER

Signature: Adam Parker Date: 2-11-2021



DISCLOSURE REPORT FORM C

Office use only

REZONING PETITION #: _____ ZONING BOARD OF APPEALS MEETING DATE: _____

- Within the two (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the Zoning Board of Appeals.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

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Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Stephen Rothman (attorney for Applicant)
Signature: [Signature] Date: 2-19-2021



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

Those individuals, associations, political jurisdictions and other public agencies required by staff and the City of South Fulton Zoning Ordinance will be (or have already been) notified.

2. The individuals and others listed in 1. above will be notified of the requested modification using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters, emails, zoom meetings, telephone calls and meeting notices will or have already been used to notify those listed in 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Article 28.5.2 of the Fulton County Zoning Resolution.

Staff signature: _____ Date: _____

Planning Division

Community Development & Regulatory Affairs

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the Fulton County Zoning Resolution and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Adam Parker Date: 2-18-2021

Applicant printed name: ADAM PARKER



VARIANCE APPLICATION PACKAGE



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

Those individuals, associations, political jurisdictions and other public agencies required by staff and the City of South Fulton Zoning Ordinance will be (or have already been) notified.

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Letters, emails, zoom meetings, telephone calls and meeting notices will or have already been used to notify those listed in 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.



COMMUNITY DEVELOPMENT SERVICES
CITY OF SOUTH FULTON GOVERNMENT SERVICE CENTER
5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GEORGIA 30336
(470) 809-7700
www.cityofsouthfultonga.gov

VARIANCE APPLICATION

DATE _____

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPE IN SECTION I OR II.

SECTION I VARIANCES REQUIRING PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

- ☒ 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Resolution and other City Ordinances
- ☐ 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the Fulton County Zoning Resolution (Article 22.3), or relief from Minor, Administrative, or Administrative Minor requests
- ☐ 3) **BUILDING CODE VARIANCE:** Seeks relief from building construction designs that conflict with the City of South Fulton Building Code.

**SECTION II MINOR ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES
[NO PUBLIC HEARING IS REQUIRED]**

- ☐ 1) **MINOR VARIANCE:** Relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)
- ☐ 2) **ADMINISTRATIVE VARIANCE:** Relief from the requirements of Article XXXIV, Development Regulations and other Development Standards of the Zoning Resolution
- ☐ 3) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

DESCRIPTION OF VARIANCE REQUESTED: Variance from requirement of Section 602.2 to allow reduction in minimum parking from a minimum requirement of 543 spaces to 485 spaces

SECTION III LEGAL DESCRIPTION OF PROPERTY (Legal description/survey must match submitted site plan.)

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____

LAND LOT(S): 131 DISTRICT: 14F TAX ID: 14F0131 LL0040

PROPERTY ADDRESS 6400 LEGAL ROAD FRONTAGE Fulton Industrial Blvd.

SECTION IV

A. OWNER INFORMATION

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

SEE ATTACHED

Sworn to and subscribed before me this _____ day of

TYPE OR PRINT OWNER'S NAME

_____ 20 _____

ADDRESS

CITY, STATE & ZIP CODE

NOTARY PUBLIC

OWNER'S SIGNATURE

()

AREA CODE/ PHONE NUMBER

EMAIL ADDRESS

B. APPLICANT INFORMATION

A notarized authorized applicant signature is required if applicant has owner's power of attorney.

Carter Acquisitions, LLC

Sworn to and subscribed before me this _____ day of

TYPE OR PRINT APPLICANT'S NAME

1440 Dutch Valley Place, Suite 1200

_____ 20 _____

ADDRESS

Atlanta, GA 30324

CITY, STATE & ZIP CODE

Adam Pahn

NOTARY PUBLIC

APPLICANT'S SIGNATURE

SEE ATTACHED

OWNER'S SIGNATURE

(c/o) Steve Rothman 404 853 5050

AREA CODE/ PHONE NUMBER

srothman@wbilegal.com

EMAIL ADDRESS

C. ATTORNEY/AGENT INFORMATION

CHECK ONE: ☒ ATTORNEY ☐ AGENT

Wilson Brock & Kirby, LLC

TYPE OR PRINT ATTORNEY/AGENT NAME

2849 Paces Ferry Rd, SE, Suite 700

ADDRESS

Atlanta, GA 30339

CITY, STATE & ZIP CODE

[404] 853 5050

AREA CODE/PHONE NUMBER

S. Rothman by AP w/ permission from SR

SIGNATURE OF ATTORNEY/AGENT

srothman@wbilegal.com

EMAIL ADDRESS



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) ADAM PARKER

Signature: Adam Parker Date: 2-11-2021



DISCLOSURE REPORT FORM C

Office use only

REZONING PETITION #: _____ ZONING BOARD OF APPEALS MEETING DATE: _____

- Within the two (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the Zoning Board of Appeals.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Stephen Rothman (attorney for Applicant)
Signature: [Signature] Date: 2-19-2021

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Article 28.5.2 of the Fulton County Zoning Resolution.

Staff signature: _____ Date: _____

Planning Division

Community Development & Regulatory Affairs

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the Fulton County Zoning Resolution and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Adam Parker Date: 2-18-2021

Applicant printed name: ADAM PARKER

Signed, Sealed and Delivered in the Presence of:

[Signature]

Unofficial Witness

[Signature]

Notary Public

My Commission Expires: 08/05/2022

[AFFIX NOTARY SEAL



Walton GA Woodbury Park LP, an Alberta limited partnership

By: Walton GA Woodbury Park Corporation, an Alberta corporation
Its: General Partner

By: _____

Name: William Doherty

Title: President

By: _____

Name: _____

Title: _____

Signed, Sealed and Delivered in the Presence of:

[Signature]

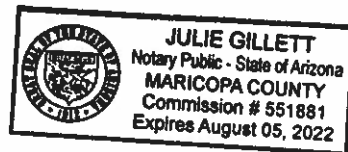
Unofficial Witness

[Signature]

Notary Public

My Commission Expires: 08/05/2022

[AFFIX NOTARY SEAL



Walton Georgia, LLC, a Georgia limited liability company

By: Walton International Group, Inc., a Nevada corporation
Its: Manager

By: _____

Name: William Doherty

Title: President

Signature page to
Application for Administrative or Zoning Modifications
Woodbury (Carter)

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILLEGAL.COM

STEPHEN ROTHMAN
SROTHMAN@WBILEGAL.COM
DIRECT DIAL: (770) 803-3731

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

February 18, 2021

VIA HAND DELIVERY

Mayor William Edwards
City Council, City of South Fulton
5440 Fulton Industrial Blvd.
Atlanta, Georgia 30336

RE: Letter of Intent/

Dear Mayor Edwards and City Council:

This firm represents Carter Acquisitions, LLC, the applicant, ("Carter") and contract purchaser of 24.4 acres of land, more or less, as more particularly described in the enclosed legal description and site plan ("Property"). Carter seeks a zoning modification to amend conditions of zoning applicable to the Property to allow a development that is in keeping with, and more suited for, the built environment and the implementation of the vision and plans for the Sandtown area.

The Property is currently zoned to the MIX Zoning Category, which allows multifamily residential uses and commercial uses. However, the MIX zoning on this land attaches specific conditions of zoning, including a site plan, pursuant to case number 2016Z-016/2016VC-0027 adopted by the Fulton County Board of Commissioners in 2017 and incorporated into the City of South Fulton by law. The current zoning currently has a long list of zoning conditions, including conditions limiting development of the Property to a particular site plan reflecting 113,531 square feet of commercial uses, including a big box grocery store with outbuildings including a gas station, being built on the Property. The applicant wishes to propose a mix of residential (maximum 300 residential units) and commercial uses on the Property. This proposal offers a true mix of uses on the Property in a horizontally-integrated mixed use development. Carter proposes to modify conditions 1(a), 1(b) and 2(a) to authorize the proposed development.

As you know, the grocery store, and associated outparcel development, required on the Property by the current zoning has been developed to the north of the site on another piece of land in close proximity to the Property. Thus, the need, desirability and economic feasibility for development of the conditional-zoning plan has been obviated. Carter seeks to propose a new development that includes the recently developed built-environment of surrounding properties in a manner which reduces the traffic impact as compared to the existing zoning allowances and provides an aesthetically-pleasing mix of uses that provides essential services for the larger community and neighbors to support those services.

102229 | 141558-000002

WILSON BROCK & IRBY, L.L.C.

February 18, 2021

Page 2

The proposed mixed use provides commercial buildings along the Campbellton Road frontage and eliminates the gas station outparcel along the road. In lieu of the big box store, Carter proposes a gated multifamily community towards the rear of the site. In addition, Carter proposes a street connecting the development with Riverside Drive and a commercial street frontage along Riverside Drive. This horizontally integrated mixed use, with multiple access points and internal circulation for vehicles and pedestrians, will serve to reroute vehicular traffic from the main intersection at Riverside and Campbellton and reduce the number of vehicle trips, as compared to the current zoning. Specifically, the current zoning would generate 11,607 vehicular trips (two-way) per day, whereas the proposed mixed use generates only 3,980 vehicular trips (two way). This traffic count includes both the proposed commercial space and residential uses. The significant reduction in vehicular trips to the Property leads the Atlanta Regional Commission to conclude that a revised Development of Regional Impact analysis is not necessary.

Prior to submitting this application, Carter held multiple meetings with numerous community stakeholders, including the Sandtown Neighborhood Executive Board, Economic Development Staff and permit review officials. The purpose of the meetings with community stakeholders is to "road test" Carter's ideas about the most desirable proposal for this site. This communication allowed Carter to listen to desires and needs of the community and resulted in significant changes to the proposed development. Carter will continue to listen to community input and respond wheresoever feasible to those concerns. The meetings with city staff allowed Carter to develop its plans beyond the concept phase to something that meets regulations and is practically feasible from a regulatory standpoint. Carter is serious about community engagement and proposing what can be built.

The zoning modification is being sought for the purpose of amending any and zoning conditions in the current zoning that would prevent development of the Property in the manner shown on the site plan, including without limitation conditions 1(a), 1(b), and 2(a). These conditions cannot be met because the current zoning and conditions require a use and scale of development that is no longer economically or practically feasible (or desirable) because the end-user has located its store across Riverside Drive.

167,731
Specifically, Carter seeks a modification so that condition 1(a) is modified to rescind the current condition in its entirety and the new condition 1(a) replace it with the following language: "retail, service, offices, institutional and/or commercial and accessory uses, not to exceed a total of ~~100,000~~ square feet of floor area, and multifamily residential dwelling units and accessory uses, not to exceed a total of 300 units or a total of 12.3 units per acre for the 24.4 acres which are the subject of this Modification. The following uses are excluded; commercial amusements, liquor stores, adult bookstores, pawn shops, check cashing facilities, hotels and coin-operated laundromats which do not include commercial dry-cleaning establishments."

Carter seeks to delete Condition 1b in its entirety so as allow flexibility on the mix of office, institutional, commercial, retail, service and accessory uses to be allowed on the designated nonresidential parcels.

WILSON BROCK & IRBY, L.L.C.

February 18, 2021

Page 3

Carter seeks to modify condition 2(a) by deleting the first sentence and replacing that sentence with the following language: "To the site plan received by the Department of Zoning on February 19, 2021. "

Finally, the zoning modification is sought because the development as shown on the existing conditions of zoning cannot accomplish the goals and purposes of the zoning ordinance and land use planning principles. The existing zoning condition envisioned a mixed use project with a large grocery store with out-buildings (including a gas station) facing Campbellton Road. That development has not been accomplished on surrounding parcels and the grocery store/related commercial uses designated for this site was located and built to the north on the other side of Riverside Drive. Putting aside the market and economic forces that prevent the duplication of that development on this site, land use planning principles would not promote an intense auto-oriented node of big box retailers and gas stations at this site. The ability to promote a walkable community is frustrated by the development of multiple large auto-oriented facilities, as street, driveways and intersections become clogged with conflicting movements of auto and pedestrians. The provision of residents in the area who will use the pedestrian amenities and frequent smaller retail establishments that serve their needs offers a balance to the important grocery store development to the north. The City's zoning ordinance calls for an array of uses that are compatible with each other, support each other, and do not negatively impact the larger community. By reducing traffic impact compared to existing allowances and providing for a mix of uses that include smaller buildings, the proposal serves these goals.

For these reasons, Carter respectfully requests that the zoning modification be approved so that the Property can be developed in an economically feasible way that meets planning principles and the goals of the City's Zoning Ordinance.

Concurrent Variance

Carter seeks a variance to reduce the parking requirement for the residential portion of the proposed development from a minimum required 543 parking spaces to 485 parking spaces for the maximum 300 multifamily dwelling units proposed. This parking variance does not include a reduction for the proposed commercial uses. As demonstrated by Carter's traffic engineer, the parking reduction amounts to the provision of 1.62 parking spaces per unit, as opposed to 1.96 spaces per dwelling unit required by the ordinance. The reduction is, according to the traffic engineer, in line with actual parking demands and needs in similar multifamily developments. The reduction also serves to reduce unnecessary reliance on single-person automobile trips and traffic congestion.

Each criterion to be analyzed for review of the variance request is address in turn below.

- A. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its shape, size or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

The strict enforcement of the parking requirement for 1.92 spaces per unit would create an unnecessary hardship due to the Property's shape and size which, if a variance is granted, would cause no detriment to the public. The Property is an awkward shaped parcel with twelve (12) sides, those sides intersecting at sharp angles and rounded curves, creating an irregular shape. In addition, the Property's topography fronts on two existing streets, which results in less land for parking. Additionally, accommodations for stormwater management facilities and interparcel connection reduces the buildable area within the awkwardly-shaped parcel.

These conditions create a hardship in providing the minimum required functional area for the mix of uses, including accessory amenity areas and interparcel connections to improve the surrounding road network, in that the Property is burdened by "pinch points" and irregular area within which to place geometrically regular parking spaces and associated access.

The hardship is unnecessary to serve the purposes of the Zoning Ordinance. Section 5-1006 declares the purposes of the Zoning Ordinance to be, among other things, to provide for adequate open space, recreation areas, and to lessen congestion in the streets, to facilitate the adequate provision of transportation and to promote desirable living conditions. The strict enforcement of the parking requirements would contradict these goals, in these particular circumstances, because to do would reduce the amount of amenity areas, open space and interparcel connection otherwise proposed by Carter. If the variance is not granted, Carter would be forced to use the open areas, amenity space and interparcel connection for parking spaces. In addition, the reduced amount of parking results in fewer vehicles serving the site, which results in less traffic congestion. It is not necessary to strictly enforce the parking requirement in this case in order to meet the purposes of the Zoning Ordinance.

The approval of the variance would not cause detriment to the public. The proposed residential community is a gated community. The parking area is within the gated boundary. There will be dedicated guest parking and prospective-tenant parking onsite. As a practical matter, overflow parking (which is not likely to occur due to actual parking demands as concluded by the traffic engineer) would have to occur outside of the gated boundary of the community. The distance between the proposed residential community and the nearest areas to park in a manner affecting the public is simply too far to be a practical parking alternative.

B. Special conditions and circumstances exist which are peculiar to the land, structure, and buildings involved and which are not applicable to other land, structures, or buildings within the same district.

There exist special conditions and circumstances which are peculiar to this land and buildings alone and which do not apply to any other land, structures or buildings within the same district. The Property is the only one that has the unique awkward shape and is served by two street frontages in a fashion that excludes the corner lot at

the intersection. In addition, the proposed conditions involving a commercial use along the street frontages, residential uses in the rear of the parcel and street connectively along the northern boundary of the lot to lessen congestion at the Riverside/Campbellton Road intersection are special and unique to the Property and do not apply to any other land, structures or buildings in the City.

- C. The literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of the rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The strict and literal enforcement of the minimum parking requirement would deprive the applicant of rights commonly enjoyed by other properties within the MIX district because that district specially allows (and encourages) accessory amenity areas and open spaces. Due to the shape and size of the lot, and the desire to provide traffic calming measures at the intersection of Campbellton Road and Riverside Drive, these commonly enjoyed rights are denied to Carter if the minimum parking requirement must be met within the gated community.

- D. The special conditions and circumstances do not result from the actions of the appellant.

The special conditions and circumstances do not result from the actions of Carter. The size, shape and topography of the land and the existing surrounding road network all result from natural causes or by others.

- E. Granting the variance will not confer upon the appellant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

Approval of this variance request will not confer upon Carter any special privilege denied to others by the zoning ordinance because this request meets all of the criteria for such approval. Given the unique circumstances of the awkward shape of the lot, the mix of uses desired by the current zoning, and the location of the Property in relationship to an important roadway intersection and the ability to lessen congestion with the installation of a private drive connecting two public streets so as to avoid vehicles being congested at the intersection, nothing special is being granted that would be denied to others in this highly unique circumstance.

- F. The request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant or gain an advantage or interest over similarly zoned property.

The request to reduce minimum required parking of 1.96 spaces per unit to 1.62 spaces per unit is limited to only that which is necessary and is not sought merely as a convenience but rather as a necessity to adequately provide accessory aspects of the

February 18, 2021

Page 6

site, such as open space, setbacks, buffers, interparcel connection and amenity space, which serve the public interest and are customarily enjoyed by others in the same district. No advantage or interest over similarly zoned property is achieved with the approval requested.

- G. Relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

Section 5-1006 declares the purposes of the Zoning Ordinance to be, among other things, to provide for adequate open space, recreation areas, and to lessen congestion in the streets, to facilitate the adequate provision of transportation and to promote desirable living conditions. Relief, if granted, would allow these goals to be met. If denied, these goals would be frustrated. Relief would allow the provision of amenity areas, open space, adequate buffers, and interparcel connection providing alternate routes of traffic to the public to avoid the Riverside Drive/Campbellton Road intersection. If relief is denied, Carter would be forced to use the open areas, amenity space and interparcel connection for parking spaces. In addition, the reduced amount of parking results in fewer vehicles serving the site, which results in less traffic congestion. Relief, if granted, would serve and implement the purposes of the Zoning Ordinance as articulated in Section 5-1006 of the City Code.

d)Notice of Constitutional Objections

As you know, Georgia law requires the applicant to give the governing authority fair notice if it believes that the current zoning of the property, and the continued enforcement of the current zoning in the future, would deprive it and/or the owner of constitutional rights. Accordingly, this is to place the governing authority of the City of South Fulton on notice that the continued enforcement of the current zoning on the Property, or the continued enforcement of any zoning regulation that prevents the Property from being developed and used as proposed herein would violate the owner's and applicant's rights guaranteed by Article I, Section I, Paragraph I; Article I, Section I, Paragraph II; and Article I, Section III, Paragraph I of the Georgia Constitution and the 5th and 14th amendments to the US Constitution. However, given that the proposal is consistent with, and implements, the goals and purposes of the Zoning Ordinance, the MIX zoning district and land use planning principles, we respectfully urge that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

Enclosures

102229 | 141558-000002

ATTACHMENTS / EXHIBITS

**Property Description
Campbellton Road Tract**

All that tract or parcel of land lying and being in Land Lots 118, 119, 130 & 131, 14FF District, City of South Fulton, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the apparent Land Lot Corner common to Land Lots 118, 119, 130 & 131, said District, said Section; thence leaving the aforesaid apparent Land Lot Corner and running with the Land Lot Line common to Land Lots 130 & 131 North 88° 40' 34" West, 402.21 feet to the **POINT OF BEGINNING**.

Thence, leaving the aforesaid **POINT OF BEGINNING** and continuing with the aforesaid Land Lot Line common to Land Lots 130 & 131

1. North 88° 07' 21" West, 462.41 feet; thence, leaving the aforesaid Land Lot Line
2. North 26° 43' 47" East, 1195.91 feet; thence,
3. 63.66 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 57° 57' 10" East, 62.59 feet; thence,
4. South 76° 12' 20" East, 18.96 feet; thence,
5. South 22° 35' 43" East, 57.10 feet; thence,
6. 23.27 feet along the arc of a curve deflecting to the left, having a radius of 99.99 feet and a chord bearing and distance of South 29° 48' 00" East, 23.22 feet; thence,
7. South 36° 27' 19" East, 17.13 feet; thence,
8. South 18° 20' 49" East, 24.72 feet; thence,
9. 36.10 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 28° 40' 41" East, 35.90 feet; thence,
10. South 39° 01' 52" East, 49.16 feet; thence,
11. South 42° 23' 31" East, 33.57 feet; thence,
12. South 45° 39' 08" East, 24.85 feet; thence,
13. South 25° 00' 26" East, 10.69 feet; thence,
14. South 01° 07' 10" East, 24.05 feet; thence,
15. 70.96 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 21° 27' 41" East, 69.48 feet; thence,
16. South 41° 45' 37" East, 15.39 feet; thence,
17. South 20° 34' 33" East, 3.39 feet; thence,
18. South 07° 17' 42" East, 20.48 feet; thence,
19. 81.32 feet along the arc of a curve deflecting to the left, having a radius of 99.99 feet and a chord bearing and distance of South 30° 35' 41" East, 79.10 feet; thence,
20. South 53° 52' 58" East, 43.55 feet; thence,
21. South 56° 19' 11" East, 32.42 feet; thence,
22. 179.79 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of North 71° 59' 07" East, 156.53 feet; thence,
23. North 20° 31' 39" East, 9.35 feet; thence,
24. 137.15 feet along the arc of a curve deflecting to the left, having a radius of 100.58 feet and a chord bearing and distance of North 18° 50' 48" West, 126.77 feet; thence,
25. 8.92 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of North 00° 46' 15" East, 8.92 feet; thence,
26. North 66° 32' 02" East, 1.41 feet; thence,
27. North 48° 40' 00" East, 230.42 feet; thence,

28. North 59° 26' 57" East, 248.93 feet to a point on the southerly right-of-way line of Riverside Drive (having an apparent 60' right-of-way); thence, running with the said right-of-way line of Riverside Drive
29. South 31° 31' 45" East, 45.53 feet; thence,
30. South 30° 25' 34" East, 275.68 feet; thence, leaving the aforesaid right-of-way line of Riverside Drive
31. South 59° 00' 14" West, 166.59 feet; thence,
32. South 29° 48' 54" East, 6.07 feet; thence,
33. 123.15 feet along the arc of a curve deflecting to the right, having a radius of 99.99 feet and a chord bearing and distance of South 05° 26' 40" West, 115.51 feet; thence,
34. 68.99 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 20° 57' 24" West, 67.63 feet; thence,
35. 263.02 feet along the arc of a curve deflecting to the right, having a radius of 300.01 feet and a chord bearing and distance of South 26° 18' 45" West, 254.68 feet; thence,
36. South 31° 27' 28" East, 207.64 feet to a point on the northerly right-of-way line of Campbellton Road (having an apparent 80' right-of-way); thence, running with the said right-of-way line of Campbellton Road
37. 215.03 feet along the arc of a curve deflecting to the left, having a radius of 3,563.08 feet and a chord bearing and distance of South 67° 35' 57" West, 214.99 feet; thence,
38. South 64° 26' 02" West, 160.31 feet; thence,
39. 81.29 feet along the arc of a curve deflecting to the left, having a radius of 1,915.48 feet and a chord bearing and distance of South 62° 22' 55" West, 81.28 feet; thence,
40. 38.51 feet along the arc of a curve deflecting to the left, having a radius of 719.87 feet and a chord bearing and distance of South 62° 19' 01" West, 38.51 feet; thence,
41. 576.78 feet along the arc of a curve deflecting to the left, having a radius of 3,164.04 feet and a chord bearing and distance of South 56° 07' 42" West, 575.98 feet; thence, leaving the aforesaid right-of-way line of Campbellton Road
42. North 01° 16' 27" East, 435.14 feet to the **POINT OF BEGINNING**, containing 1,141,828 square feet or 26.2128 acres of land, more or less.

Described property is subject to all easements and rights of way recorded and unrecorded.

CAMPBELLTON ROAD TRACT
CARTER
FEBRUARY 9, 2021

POINT OF COMMENCEMENT TO POINT OF BEGINNING

257			1345527.4278	2169660.1911
201	N 88° 40' 34" W	402.208	1345536.7200	2169258.0900
	Horiz. Length =	402.208 Ft		

DEFINED PROPERTY

201			1345536.7200	2169258.0900
202	N 88° 07' 21" W	462.408	1345551.8700	2168795.9300
203	N 26° 43' 47" E	1195.908	1346619.9800	2169333.8300
205	S 57° 57' 10" E	62.588	1346586.7700	2169386.8800
206	S 76° 12' 20" E	18.957	1346582.2500	2169405.2900
207	S 22° 35' 43" E	57.103	1346529.5300	2169427.2300
209	S 29° 48' 00" E	23.221	1346509.3800	2169438.7700
210	S 36° 27' 19" E	17.132	1346495.6000	2169448.9500
211	S 18° 20' 49" E	24.716	1346472.1400	2169456.7300
213	S 28° 40' 41" E	35.904	1346440.6400	2169473.9600
214	S 39° 01' 52" E	49.163	1346402.4500	2169504.9200
215	S 42° 23' 31" E	33.566	1346377.6600	2169527.5500
216	S 45° 39' 08" E	24.849	1346360.2900	2169545.3200
217	S 25° 00' 26" E	10.692	1346350.6000	2169549.8400
218	S 01° 07' 10" E	24.055	1346326.5500	2169550.3100
220	S 21° 27' 41" E	69.477	1346261.8900	2169575.7300
221	S 41° 45' 37" E	15.390	1346250.4100	2169585.9800
222	S 20° 34' 33" E	3.386	1346247.2400	2169587.1700
223	S 07° 17' 42" E	20.476	1346226.9300	2169589.7700
225	S 30° 35' 41" E	79.102	1346158.8400	2169630.0300
226	S 53° 52' 58" E	43.550	1346133.1700	2169665.2100
227	S 56° 19' 11" E	32.422	1346115.1900	2169692.1900
229	N 71° 59' 07" E	156.534	1346163.6000	2169841.0500
230	N 20° 31' 39" E	9.354	1346172.3600	2169844.3300
232	N 18° 50' 48" W	126.766	1346292.3300	2169803.3800
234	N 00° 46' 15" E	8.921	1346301.2500	2169803.5000
235	N 66° 32' 02" E	1.406	1346301.8100	2169804.7900
236	N 48° 40' 00" E	230.423	1346453.9900	2169977.8100
237	N 59° 26' 57" E	248.926	1346580.5200	2170192.1800
238	S 31° 31' 45" E	45.532	1346541.7100	2170215.9900
239	S 30° 25' 34" E	275.676	1346304.0000	2170355.6000
240	S 59° 00' 14" W	166.589	1346218.2100	2170212.8000
241	S 29° 48' 54" E	6.074	1346212.9400	2170215.8200
243	S 05° 26' 40" W	115.511	1346097.9500	2170204.8600
245	S 20° 57' 24" W	67.634	1346034.7900	2170180.6700
247	S 26° 18' 45" W	254.677	1345806.5000	2170067.7800
248	S 31° 27' 28" E	207.638	1345629.3800	2170176.1400
250	S 67° 35' 57" W	214.993	1345547.4500	2169977.3700

251	S 64° 26' 02" W	160.306	1345478.2700	2169832.7600	251
253	S 62° 22' 55" W	81.281	1345440.5900	2169760.7400	253
255	S 62° 19' 01" W	38.508	1345422.7000	2169726.6400	255
200	S 56° 07' 42" W	575.977	1345101.6873	2169248.4134	200
201	N 01° 16' 27" E	435.140	1345536.7200	2169258.0900	201

** CURVE DATA **

CNTR	PC	PT	RADIUS	DELTA	ARC	TANGENT	CHORD
204	203	205	-100.003	36° 28' 18"	63.657	32.949	62.588
208	207	209	-99.993	13° 20' 07"	23.273	11.689	23.221
212	211	213	-100.003	20° 41' 00"	36.100	18.249	35.904
219	218	220	-99.997	40° 39' 23"	70.957	37.046	69.477
224	223	225	-99.995	46° 35' 53"	81.325	43.063	79.102
228	227	229	-100.000	103° 00' 40"	179.788	125.742	156.534
231	230	232	-100.577	78° 07' 46"	137.148	81.634	126.766
233	232	234	-99.999	5° 06' 47"	8.924	4.465	8.921
242	241	243	99.994	70° 33' 44"	123.147	70.750	115.511
244	243	245	-100.002	39° 31' 48"	68.994	35.934	67.634
246	245	247	300.008	50° 13' 55"	263.020	140.636	254.677
249	248	250	-3563.081	3° 27' 28"	215.026	107.546	214.993
252	251	253	-1915.478	2° 25' 53"	81.287	40.650	81.281
254	253	255	-719.871	3° 03' 55"	38.513	19.261	38.508
256	255	200	-3164.040	10° 26' 40"	576.776	289.189	575.977

Area in Sq.Ft. = 1141827.748 SF
Area in Acres = 26.212758 Acres
Horiz. Length = 5788.771 Ft

Table of coordinates:

Point	North	East
200	1345101.687300	2169248.413400
201	1345536.720000	2169258.090000
202	1345551.870000	2168795.930000
203	1346619.980000	2169333.830000
204	1346683.890000	2169410.740000
205	1346586.770000	2169386.880000
206	1346582.250000	2169405.290000
207	1346529.530000	2169427.230000
208	1346568.820000	2169519.180000
209	1346509.380000	2169438.770000
210	1346495.600000	2169448.950000
211	1346472.140000	2169456.730000
212	1346503.610000	2169551.650000
213	1346440.640000	2169473.960000
214	1346402.450000	2169504.920000
215	1346377.660000	2169527.550000
216	1346360.290000	2169545.320000
217	1346350.600000	2169549.840000
218	1346326.550000	2169550.310000
219	1346328.520000	2169650.290000
220	1346261.890000	2169575.730000

221	1346250.410000	2169585.980000
222	1346247.240000	2169587.170000
223	1346226.930000	2169589.770000
224	1346239.620000	2169688.960000
225	1346158.840000	2169630.030000
226	1346133.170000	2169665.210000
227	1346115.190000	2169692.190000
228	1346198.587427	2169747.370333
229	1346163.600000	2169841.050000
230	1346172.360000	2169844.330000
231	1346207.120000	2169749.950000
232	1346292.330000	2169803.380000
233	1346298.180000	2169703.550000
234	1346301.250000	2169803.500000
235	1346301.810000	2169804.790000
236	1346453.990000	2169977.810000
237	1346580.520000	2170192.180000
238	1346541.710000	2170215.990000
239	1346304.000000	2170355.600000
240	1346218.210000	2170212.800000
241	1346212.940000	2170215.820000
242	1346163.190000	2170129.080000
243	1346097.950000	2170204.860000
244	1346032.710000	2170280.650000
245	1346034.790000	2170180.670000
246	1346041.060000	2169880.730000
247	1345806.500000	2170067.780000
248	1345629.380000	2170176.140000
249	1342295.710000	2171433.990000
250	1345547.450000	2169977.370000
251	1345478.270000	2169832.760000
252	1343762.600000	2170684.540000
253	1345440.590000	2169760.740000
254	1344794.390000	2170077.980000
255	1345422.700000	2169726.640000
256	1342646.030000	2171243.630000
257	1345527.427800	2169660.191100



Notice of Decision Conditions of Approval, GRTA can consider revising the Conditions of Approval. Given the ADT changes substantially, GRTA may decide to require a new transportation study depending on what conditions are up for debate.

The next steps would be for ARC to note if a new review is warranted. If it isn't, I'll speak with you, the developer and the City of South Fulton about revising the NOD.

Andrew Spiliotis

Transportation Planner

State Road & Tollway Authority | Georgia Regional Transportation Authority | Atlanta-Region Transit Link Authority

o: 404-893-6171 | aspiliotis@srta.ga.gov



From: Greg Giuffrida <GGiuffrida@atlantaregional.org>

Sent: Tuesday, October 13, 2020 8:38 AM

To: Andrew Spiliotis <aspiliotis@srta.ga.gov>; Joe Severin <jseverin@longeng.com>

Subject: RE: Modification to DRI 2654, Woodbury Park E-Commerce and Distribution Center

CAUTION: This email originated from outside of SRTA. Maintain caution when opening external links/attachments

Hi, I'm sorry for the delay following up on this. ARC staff has reviewed the proposal and does not see the need for a new DRI review given the reduced footprint and trip generation.

From a high level, the new proposal is set far back from the street and misses the opportunity for a more walkable pattern of development in this area, but it's up the City of South Fulton to determine if that's a priority for them. We would be happy to provide more feedback if any parties are interested, but our input is limited without a new DRI review. It's good to see the street stub to the east for future connectivity and we would encourage that remains in the site plan.

Hope this is helpful. Please let me know if you have any questions.

Regards,

Greg Giuffrida

Plan Reviews Program Manager, Community Development

Atlanta Regional Commission

P | 470.378.1531

ggiuffrida@atlantaregional.org

atlantaregional.org

From: Andrew Spiliotis <aspiliotis@srta.ga.gov>

Sent: Monday, October 5, 2020 2:23 PM

To: Joe Severin <jseverin@longeng.com>; Greg Giuffrida <GGiuffrida@atlantaregional.org>

Subject: RE: Modification to DRI 2654, Woodbury Park E-Commerce and Distribution Center



January 7, 2021

City of South Fulton

RE: Request for Parking Variance
Woodbury Park Multifamily – City of South Fulton
LEI Project #0607-0010

Dear City of South Fulton,

The proposed multifamily component of the Woodbury Park Development will include a total of 300 units with a small clubhouse/leasing office. The breakdown of the number of units and type is as follows:

- 120 One-Bedroom Units
- 150 Two-Bedroom Units
- 30 Three-Bedroom Units
- 4,800 SF for Leasing Office

Per the City of South Fulton Parking Requirements (Article XVIII) the off-street parking ratios are 1.4 spaces per one-bedroom unit, and 2.25 spaces per two- and three-bedroom units. Categorizing the leasing office under the category of office, the required ratio is 3 spaces per 1,000 SF. Using the breakdown provided above, the total required parking by the City's ordinance is 588 total parking spaces.

We would like to request a variance to amend the parking requirement to allowable off-street parking ratios of 1 space per one-bedroom unit, 2 spaces per two- and three-bedroom units and 1 space per 1,000 SF for office. Per code, Carter would be required to be at 1.96 spaces/unit. With this variance request, Carter would be at 1.62 spaces/unit. 1.62 spaces/unit is more in line with what I see in best in class multi-family developments across the Southeast. This would result in a total off-street parking count of 485 spaces for the 300 provided multifamily units.

Sincerely,

Joseph Severin, PE
President

Cc: Jerome Hagley, Carter
Kendall Golightly, Carter
Adam Parker, Carter

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: CV21-002: Council to consider a concurrent variance to case M21-004 to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit

DATE: April 27, 2021

SUBJECT: CV21-002: Council to consider a concurrent variance to case M21-004 to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
CV21-002	Cover Memo	4/22/2021
M21-004 CV21-002 Final Staff Report	Cover Memo	4/22/2021

CV21-002

Concurrent Variance o Campbellton Rd.

City Council Zoning Hearing
City of South Fulton
April 14, 2021



CV21-002: 0 Campbellton Rd.

- Petitioner is asking for a concurrent variance to reduce the number of required parking spaces
- They are proposing 485 spaces: 1 per 1br (120), 2 per each 2br (150) and 3br (30), and 5 for the leasing office
- This is justified due to the reduced number of trips associated with a residential vs commercial development
- Each of the commercial outparcels will have their own parking
- Staff recommendation is for approval

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT &
REGULATORY AFFAIRS

MEMORANDUM

TO: City of South Fulton Mayor and Council
FROM: Planning & Zoning Division
SUBJECT: **M21-004 and CV21-002 for o Campbellton Rd.**
MEETING DATE: April 14, 2021

To consider an amendment to the Zoning Conditions in **2016Z-0016 (1a, 1b, and 2a)** to allow an apartment complex instead of fuel center associated with a grocery store.

To consider a concurrent variance to reduce parking requirements from 1.96 spaces per unit to 1.62 spaces per unit. This will equate to 485 parking spaces for 300 units down from the required 543 spaces.

STAFF RECOMMENDATIONS: APPROVAL of the Modification request
APPROVAL of Variance Request

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Steve Rothman for Carter Acquisitions, LLC 1440 Dutch Valley PL. Ste 1200 Atlanta GA, 30324
Status of Applicant:	Attorney
City Council District(s):	1
Parcel ID Number:	14F0131 LL0040
Area of Property:	24.4 Acres
Current/Past Use of the Property:	This property is currently undeveloped.
Prior Zoning Cases/History:	2016Z-16 a rezoning from C-1 to MIX. Approved with conditions. 2016VC-0027 a variance to allow the Greystone Power Corp. "Salem" Post Top Light fixture instead of historic period lighting.
Surrounding Zoning:	<u>North:</u> MIX (Mixed Use) <u>South:</u> Sub-A (Residential) <u>East:</u> M2 (Heavy Industrial) <u>West:</u> C-1 (Commercial)
2035 Future Land Use Designation:	<u>Character Type:</u> Community Live Work <u>Land Uses:</u> Live-Work Community, Public, Semi-Public, and Institutional Open Space <u>Zonings:</u> MIX, C-1, C-2, O-I
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes. The proposed modification does align with the Comprehensive Future Land Use Designation.
Overlay District:	Sandtown Overlay District
Public Utilities:	Water service is provided to this site by City of Atlanta. Sewer service is available to this site by Fulton County.
Public Services:	Police and Fire services are available to the site by the City of South Fulton.
Transportation:	Street: Campbellton Road Classification: Minor Arterial State Public Transit: The closest MARTA bus stop is on Fulton Industrial Blvd. .80 miles away. Bike/Pedestrian Access: Sidewalks walks are currently not present at the site but will be included along the road frontage as part of the development.

MAPS:**City of South Fulton Zoning, Future Land Use, and Aerial Map:**

(see attached)

Proposed Site Plan:

(see attached)

CONDITION(S) TO BE MODIFIED:

Current language: condition 1a)

Retail, service commercial and/or office and accessory uses, excluding all exterior food and beverage service areas, at a maximum density of 3,643.95 square feet per acre zoned or a total of *167,731 square feet, whichever is less, but excluding convenience stores with gas pumps except a fuel center associated with a grocery store; freestanding fast food restaurants allowed only along Campbellton Road (SR 166) frontage; commercial amusements; liquor stores, adult book stores; pawn shops; check cashing facilities; hotels; and coin operated laundromats which do not include commercial dry cleaning establishments.

Current Language: condition: 1b)

Provide a minimum of 21,000 square feet of office/institutional and accessory uses. The total gross square footage shall be calculated as part of the total floor area allowed in condition 1a.

Current language condition: 2a)

References a conceptual site plan received on September 13, 2017.

Updated language: 1a)

Retail, service, office, institutional and/or commercial accessory uses not to exceed a total of 100,000 square feet of floor area, and multi-family residential dwelling units and accessory uses, not to exceed a total of 300 units or a total of 12.3 units per acre for the 24.4 which are subject to this modification. The following uses are excluded: commercial amusements, liquor stores, adult bookstores, pawnshops, check cashing facilities, hotels and coin operated laundromats which do not include commercial dry-cleaning establishments.

Updated language: 1b)

~~Provide a minimum of 21,000 square feet of office/institutional and accessory uses. The total gross square footage shall be calculated as part of the total floor area allowed in condition 1a.~~

Updated Language: 2a)

Updated to reference the site plan submitted on February 19, 2021.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted to assist the Zoning Board of Appeals in considering the application and its merits. According to our Code, these considerations include:

808.09 Hardship Criteria:

Primary variances shall only be granted by the Zoning Board of Appeals and concurrent variances shall only be granted by City Council upon showing that, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and such approval will not be contrary to the public interest. A variance from the terms on this Ordinance shall not be granted unless a written application is submitted demonstrating:

- a) The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;
- b) That special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- c) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance;
- d) That the special conditions and circumstances do not result from the actions of the appellant;
- e) That granting the variance requested will not confer on the appellant any special privilege that is denied by this Zoning Ordinance to other lands, structures or buildings in the same district;
- f) That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant nor to gain any advantage or interest over similarly zoned properties; and
- g) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

PUBLIC PARTICIPATION

A total of five people attended the public participation meeting held on March 30, 2021 at 7:00pm via Zoom. Residents asked questions about traffic calming measures, project start date, project cost. The applicant answered their questions and responded that they are planning traffic calming measures, the construction start date is late 2022, and the total cost is in excess of \$25 million.

STAFF COMMENTS

Engineering: Requested information, none provided.

Environmental: Requested information, none provided.

Public Works: Requested information, none provided.

Transportation: The traffic engineer was present at the pre-application meeting and submitted his comments at that time

MARTA: Requested information, none provided.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Comments were submitted, and the report is attached.

Fire: The Fire Marshall was present at the pre-application meeting and submitted her comments at that time.

Legal: Requested information, none provided.

PLANNER'S RECOMMENDATION

The apartment complex is allowed in the MIX designation per the zoning code. The MIX designation with the apartment complex is also allowed per the Comprehensive Land Use Plan.

Breakdown of Rental Units:

- 1 BR (40%) – 120
- 2 BR (50%) – 150
- 3 BR (10%) – 30

The topography and shape of the parcel create a hardship making the additional parking difficult given the parcel's jagged edges and corners. The reduction in parking is further justified by the change the development type from commercial to residential. The number of daily trips will be significantly reduced. This takes into consideration the future outparcels; those will have their own parking. Reduced daily trips will also help to mitigate local road congestion.

The development will incorporate 1 parking space per 1 BR, 2 parking spaces per 2 BR and 3 BR, and 1 parking space per 1,000 of leasing office. The applicant has had success with this breakdown at other similar developments. Some of the allocated parking spaces will be private garages.

Planners modification recommendation is **APPROVAL**

Planners variance recommendation is **APPROVAL**

PREPARED BY:

Marissa Jackson, Planner

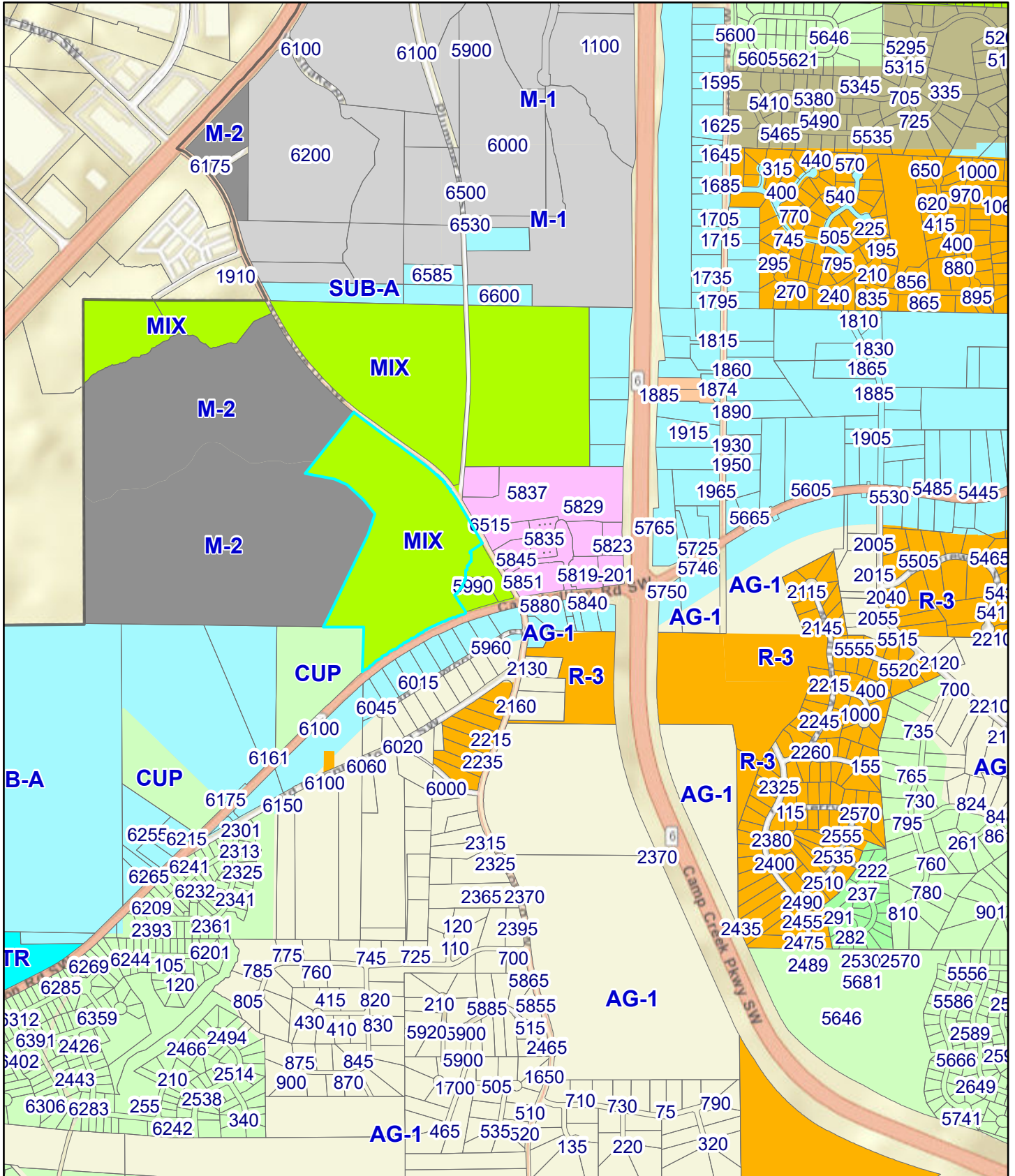
REVIEWED BY:

Shayla Reed, Director

MAYOR & COUNCIL ACTION

TBD

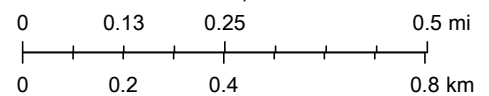
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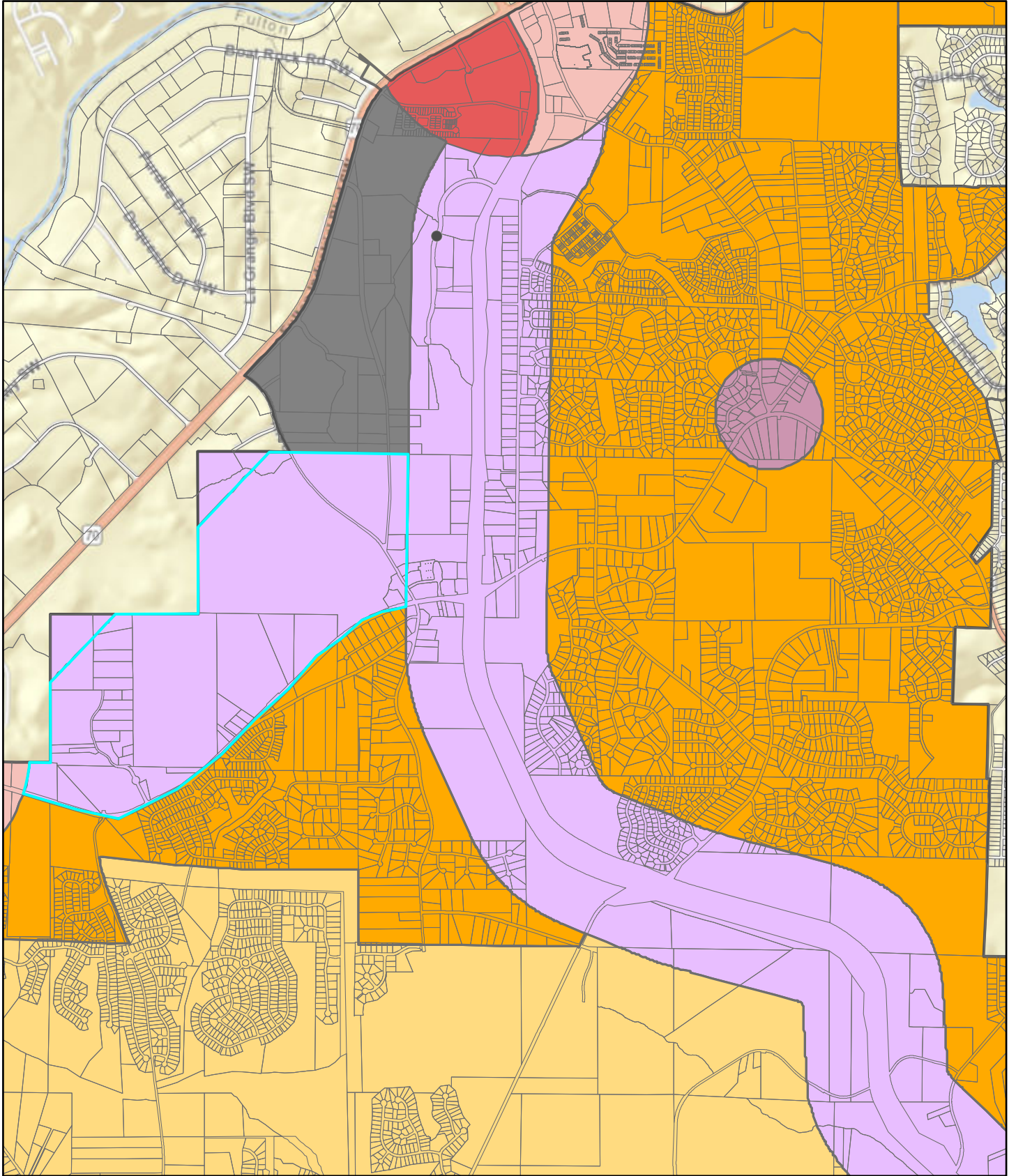
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- | | | |
|--------------------|------------------------------|--------------------------------|
| Address Points | C-1 (Limited Commercial) | R-2 (Single Family Dwelling) |
| County Parcels All | CUP (Community Unit Plan) | R-3 (Single Family Dwelling) |
| City Limits | M-1 (Light Industrial) | R-3A (Single Family Dwelling) |
| Current Zoning | M-2 (Heavy Industrial) | R-4 (Single Family Dwelling) |
| | MIX (Mixed Use) | SUB-A (Single Family Dwelling) |
| | NUP (Neighborhood Unit Plan) | TR (Townhouse Residential) |
| | AG-1 (Agricultural) | |



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

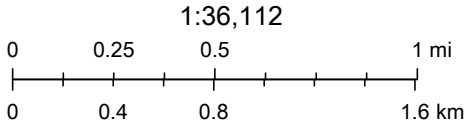
COSF ArcGIS Web Map



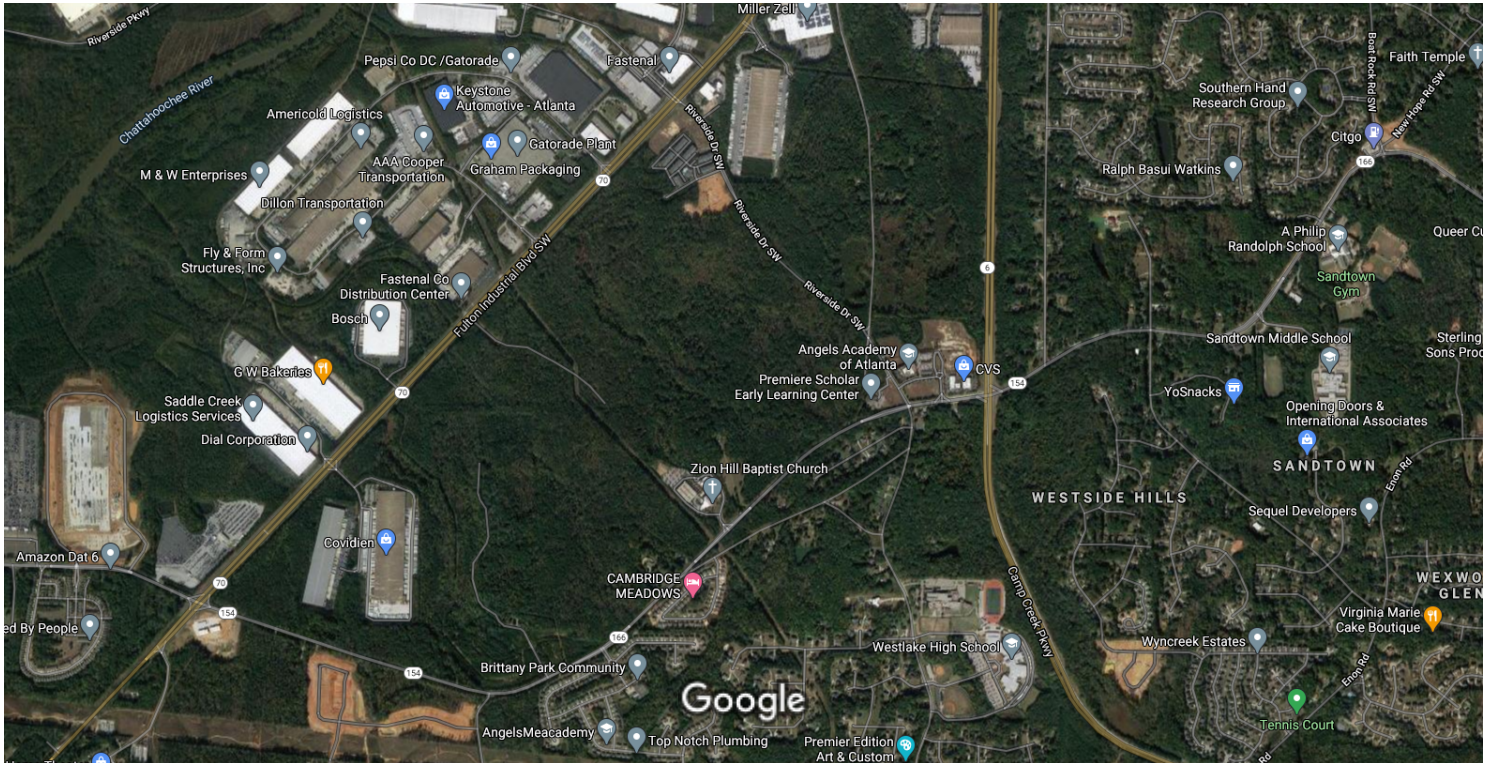
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- Address Points
- County Parcels All
- City Limits
- 2035 Future Land Use
- Community Live Work

- Industrial Marketplace
- Industrial Zone
- Local Live Work
- Regional Live Work
- Rural Neighborhood
- Suburban Neighborhood



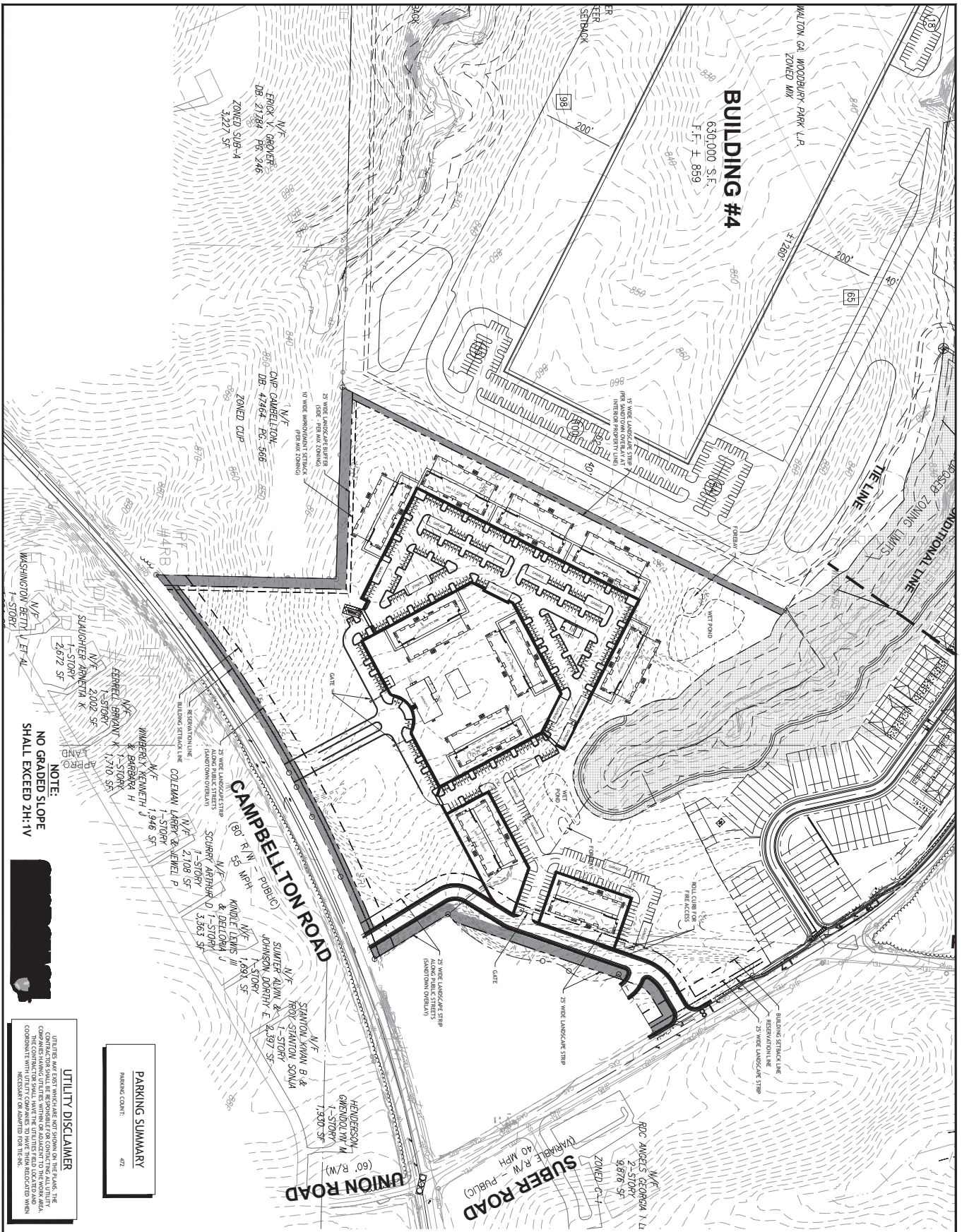
Esri, HERE, Garmin, INCREMENT P, NGA, USGS



Imagery ©2021 Landsat / Copernicus, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 1000 ft

- Proposed Carter Multifamily (18 Acres)
- Proposed D.R. Horton Townhomes
- Industrial
- Carter Commercial Pad Sites (6.5 Acres)





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Rezoning Impact Statement

3/15/2021

PETITION: M21-004

JURISDICTION: South Fulton

Proposed Residential Units

Single-family detached: 0 Townhouses: 0 Apartments: 300 Condominiums: 0

HOME SCHOOL	PROJECTED BASELINE ENROLLMENT ^A	GADOE CAPACITY	EST. # NEW FCS STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B
				WITHOUT DEV WITH DEV
Stonewall Tell ES	652 to 692	850	7 to 45	-198 to -158 -198 to -113
Sandtown MS	1,001 to 1,063	1,175	0 to 17	-174 to -112 -174 to -95
Westlake HS	2,087 to 2,217	1,925	3 to 43	162 to 292 165 to 335
TOTAL			10 to 105	Insufficient historical data to run report?: ☐

HS REGION: Westlake HS	AVERAGE - 1 STD. DEV.	AVERAGE + 1 STD. DEV.	
One single-family detached unit generates:			
	0.046394	0.350258	elementary school students
	0.014628	0.120686	middle school students
	0.049209	0.245787	high school students
One townhouse unit generates:			
	0.000000	0.46149	elementary school students
	0.000000	0.148339	middle school students
	0.000000	0.290501	high school students
One apartment unit generates:			
	0.021807	0.148973	elementary school students
	0.000000	0.058115	middle school students
	0.009735	0.144645	high school students
One condominium unit generates:			
			elementary school students
			middle school students
			high school students

(Note: Empty/null values indicate insufficient historic data)

^A Forecasted enrollment for the 2020-21 school year

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

^{*} State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

^{**} Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

Those individuals, associations, political jurisdictions and other public agencies required by staff and the City of South Fulton Zoning Ordinance will be (or have already been) notified.

2. The individuals and others listed in 1. above will be notified of the requested modification using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters, emails, zoom meetings, telephone calls and meeting notices will or have already been used to notify those listed in 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.

February 19, 2021

- 1. Add some brick and mortar or stone to the exterior of the buildings. We want Sandtown Crossing to be our “town center” and adding this element to the property will be in keeping with the look of the businesses that are already there.**

We understand your request and have gone back to confirm building material requirements for the Sandtown Overlay District. After consulting with our architects and design & construction team, we are unable to commit to using brick or stone on this project. We have designed our multi-family buildings to meet all of the design standards set forth in the Sandtown Overlay District. Our multi-family buildings have been designed with cementitious siding, which is one of the approved materials in the Overlay District. They are also an approved color, as outlined by the Overlay District. The overall site plans also includes sidewalk, lighting, and landscaping standards—which will help make it a walkable, horizontal, mixed-use community with a “town center” feel. While the retail buildings have not been designed at this time, they will also need to adhere to the Overlay District’s design standards. Lastly, to ensure the Overlay District standards are being upheld, the City will have to approve all aspects of exterior design before any project is approved.

- 2. Tax revenue vs rental. Building condos/townhomes would generate tax revenue to the city as opposed to rental.**

For rent apartments and commercial will generate tax revenue to the City, much more so than the current vacant land. Also, to echo what Councilmember Rowell said, DR Horton is planning a townhome project on Riverside Drive just north of this site.

- 3. Constructing the commercial part of the development should be in conjunction with the residential construction. As we said in previous meetings, our community has been disappointed by developers’ promises that the commercial piece will follow the residential piece and that never happens.**

We view the commercial component of this development as a complimentary piece to our high end multi-family project and a critical piece of our overall project. We want something there that is both beneficial to our development and the community. In an effort to achieve this, we have been coordinating with the City of South Fulton’s Economic Development department. We had a call with them on Friday (2/12) to brief them on our site plan and discuss collaboration opportunities. To start, they are going to connect us with two high quality, local businesses who are interested in coming to South Fulton and the City thinks our site would be great locations for them.



ZONING MODIFICATION APPLICATION PACKAGE



APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____

(To be assigned by the City of South Fulton)

- ☐ A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development & Regulatory Affairs.
- ☒ B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of South Fulton Councilmembers.

If "A" was denied, list previous case number: #M _____

- 1) Planner who determined the type of Modification you should file: Marissa Jackson; Dana Gray
- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). 1-A ; 1-B ; 2-A ;
- 3) Petition number of the Zoning or Use Permit to which this application applies Fulton County
Current zoning district 20162-0016
- 4) Attach a copy of Legal Description [must be metes and bounds] or complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: 14F / _____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: Campbellton Road

NOTICE: Sections III or IV below **MUST** be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

SEE ATTACHED

TYPE OR PRINT OWNER'S NAME
Walton GA Woodbury Park, LP an Alberta
Limited Partnership
ADDRESS Walton Georgia LLC Georgia Limited
Liability Co.
CITY & STATE ZIP CODE

Sworn to and subscribed before me this
_____ day of February 20 21

NOTARY PUBLIC

OWNER OF PROPERTY (SIGNATURE)

PHONE NUMBER

EMAIL ADDRESS

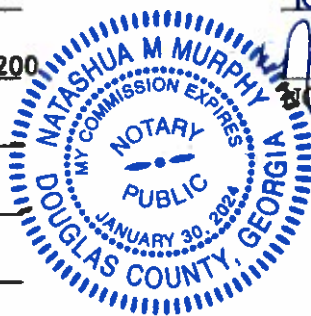
SECTION IV: Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; or
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; or
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

[Signature]
APPLICANT (SIGNATURE)
Carter Acquisitions, LLC
TYPE/PRINT NAME OF APPLICANT
1440 Dutch Valley Place, Suite 1200
ADDRESS
Atlanta GA 30324
CITY & STATE ZIP CODE
c/o Steve Rothman 404-853-5050
PHONE NUMBER
srothman@wbilegal.com
EMAIL ADDRESS

Sworn to and subscribed before me this
10th day of February 20 21

NOTARY PUBLIC



Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

S Rothman
by AP w/express permission from SR
SIGNATURE OF ATTORNEY/AGENT
AGENT Wilson Brock & Irby, LLC
2849 Paces Ferry Rd, SE, Suite 700
ADDRESS
Atlanta GA 30339
CITY & STATE ZIP CODE
404-853-5050
PHONE NUMBER

CHECK ONE: [☒] ATTORNEY [_____]



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) ADAM PARKER

Signature: Adam Parker Date: 2-11-2021



DISCLOSURE REPORT FORM C

Office use only

REZONING PETITION #: _____ ZONING BOARD OF APPEALS MEETING DATE: _____

- Within the two (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the Zoning Board of Appeals.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

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Name (print) Stephen Rothman (attorney for Applicant)
Signature: [Signature] Date: 2-19-2021



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

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2. The individuals and others listed in 1. above will be notified of the requested modification using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters, emails, zoom meetings, telephone calls and meeting notices will or have already been used to notify those listed in 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Article 28.5.2 of the Fulton County Zoning Resolution.

Staff signature: _____ Date: _____

Planning Division

Community Development & Regulatory Affairs

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the Fulton County Zoning Resolution and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Adam Parker Date: 2-18-2021

Applicant printed name: ADAM PARKER



VARIANCE APPLICATION PACKAGE



**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: 58
Carter Acquisitions, LLC

1. The following individuals (property owners within a quarter mile of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the Fulton County Zoning Resolution:

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3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

At least one meeting at a convenient time and location will occur. Due to CDC Guidelines to suppress the spread of COVID19, Applicant intends to host zoom meetings.

Attach additional sheets as needed.



COMMUNITY DEVELOPMENT SERVICES
CITY OF SOUTH FULTON GOVERNMENT SERVICE CENTER
5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GEORGIA 30336
(470) 809-7700
www.cityofsouthfultonga.gov

VARIANCE APPLICATION

DATE _____

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPE IN SECTION I OR II.

SECTION I VARIANCES REQUIRING PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

- ☒ 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Resolution and other City Ordinances
- ☐ 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the Fulton County Zoning Resolution (Article 22.3), or relief from Minor, Administrative, or Administrative Minor requests
- ☐ 3) **BUILDING CODE VARIANCE:** Seeks relief from building construction designs that conflict with the City of South Fulton Building Code.

**SECTION II MINOR ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES
[NO PUBLIC HEARING IS REQUIRED]**

- ☐ 1) **MINOR VARIANCE:** Relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)
- ☐ 2) **ADMINISTRATIVE VARIANCE:** Relief from the requirements of Article XXXIV, Development Regulations and other Development Standards of the Zoning Resolution
- ☐ 3) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

DESCRIPTION OF VARIANCE REQUESTED: Variance from requirement of Section 602.2 to allow reduction in minimum parking from a minimum requirement of 543 spaces to 485 spaces

SECTION III LEGAL DESCRIPTION OF PROPERTY (Legal description/survey must match submitted site plan.)

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____

LAND LOT(S): 131 DISTRICT: 14F TAX ID: 14F0131 LL0040

PROPERTY ADDRESS 6400 LEGAL ROAD FRONTAGE Fulton Industrial Blvd.

SECTION IV

A. OWNER INFORMATION

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

SEE ATTACHED

Sworn to and subscribed before me this _____ day of

TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY, STATE & ZIP CODE

OWNER'S SIGNATURE

()

AREA CODE/ PHONE NUMBER

EMAIL ADDRESS

_____ 20 _____

NOTARY PUBLIC

B. APPLICANT INFORMATION

A notarized authorized applicant signature is required if applicant has owner's power of attorney.

Carter Acquisitions, LLC

Sworn to and subscribed before me this _____ day of

TYPE OR PRINT APPLICANT'S NAME

1440 Dutch Valley Place, Suite 1200

ADDRESS

Atlanta, GA 30324

CITY, STATE & ZIP CODE

Adam Pahn

APPLICANT'S SIGNATURE

SEE ATTACHED

OWNER'S SIGNATURE

(c/o) Steve Rothman 404 853 5050

AREA CODE/ PHONE NUMBER

srothman@wbilegal.com

EMAIL ADDRESS

_____ 20 _____

NOTARY PUBLIC

C. ATTORNEY/AGENT INFORMATION

CHECK ONE: ☒ ATTORNEY ☐ AGENT

Wilson Brock & Kirby, LLC

TYPE OR PRINT ATTORNEY/AGENT NAME

2849 Paces Ferry Rd, SE, Suite 700

ADDRESS

Atlanta, GA 30339

CITY, STATE & ZIP CODE

404 853 5050

AREA CODE/PHONE NUMBER

S. Rothman by AP w/ permission from SR

SIGNATURE OF ATTORNEY/AGENT

srothman@wbilegal.com

EMAIL ADDRESS



DISCLOSURE REPORT FORM C

Office use only:

REZONING PETITION #: _____ CITY COUNCIL MEETING DATE: _____

- Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the City Council.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) ADAM PARKER

Signature: Adam Parker Date: 2-11-2021



DISCLOSURE REPORT FORM C

Office use only

REZONING PETITION #: _____ ZONING BOARD OF APPEALS MEETING DATE: _____

- Within the two (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of the Zoning Board of Appeals.

CIRCLE ONE: YES NO

If the answer is YES, proceed to sections 1 through 4.
If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Stephen Rothman (attorney for Applicant)
Signature: [Signature] Date: 2-19-2021

PRE-APPLICATION REVIEW FORM

Office use only:

I hereby certify that I have completed a preliminary review of the site plan for this project and determined that it meets the minimum standards specified by Article 28.5.2 of the Fulton County Zoning Resolution.

Staff signature: _____ Date: _____

Planning Division

Community Development & Regulatory Affairs

Staff printed name: _____

The undersigned acknowledges that the site plan is submitted in accordance with Article 28.5.2 of the Fulton County Zoning Resolution and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Adam Parker Date: 2-18-2021

Applicant printed name: ADAM PARKER

Signed, Sealed and Delivered in the Presence of:

[Signature]

Unofficial Witness

[Signature]

Notary Public

My Commission Expires: 08/05/2022

[AFFIX NOTARY SEAL



Walton GA Woodbury Park LP, an Alberta limited partnership

By: Walton GA Woodbury Park Corporation, an Alberta corporation
Its: General Partner

By: _____

Name: William Doherty

Title: President

By: _____

Name: _____

Title: _____

Signed, Sealed and Delivered in the Presence of:

[Signature]

Unofficial Witness

[Signature]

Notary Public

My Commission Expires: 08/05/2022

[AFFIX NOTARY SEAL



Walton Georgia, LLC, a Georgia limited liability company

By: Walton International Group, Inc., a Nevada corporation
Its: Manager

By: _____

Name: William Doherty

Title: President

Signature page to
Application for Administrative or Zoning Modifications
Woodbury (Carter)

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBLEGAL.COM

STEPHEN ROTHMAN
SROTHMAN@WBLEGAL.COM
DIRECT DIAL: (770) 803-3731

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

February 18, 2021

VIA HAND DELIVERY

Mayor William Edwards
City Council, City of South Fulton
5440 Fulton Industrial Blvd.
Atlanta, Georgia 30336

RE: Letter of Intent/

Dear Mayor Edwards and City Council:

This firm represents Carter Acquisitions, LLC, the applicant, ("Carter") and contract purchaser of 24.4 acres of land, more or less, as more particularly described in the enclosed legal description and site plan ("Property"). Carter seeks a zoning modification to amend conditions of zoning applicable to the Property to allow a development that is in keeping with, and more suited for, the built environment and the implementation of the vision and plans for the Sandtown area.

The Property is currently zoned to the MIX Zoning Category, which allows multifamily residential uses and commercial uses. However, the MIX zoning on this land attaches specific conditions of zoning, including a site plan, pursuant to case number 2016Z-016/2016VC-0027 adopted by the Fulton County Board of Commissioners in 2017 and incorporated into the City of South Fulton by law. The current zoning currently has a long list of zoning conditions, including conditions limiting development of the Property to a particular site plan reflecting 113,531 square feet of commercial uses, including a big box grocery store with outbuildings including a gas station, being built on the Property. The applicant wishes to propose a mix of residential (maximum 300 residential units) and commercial uses on the Property. This proposal offers a true mix of uses on the Property in a horizontally-integrated mixed use development. Carter proposes to modify conditions 1(a), 1(b) and 2(a) to authorize the proposed development.

As you know, the grocery store, and associated outparcel development, required on the Property by the current zoning has been developed to the north of the site on another piece of land in close proximity to the Property. Thus, the need, desirability and economic feasibility for development of the conditional-zoning plan has been obviated. Carter seeks to propose a new development that includes the recently developed built-environment of surrounding properties in a manner which reduces the traffic impact as compared to the existing zoning allowances and provides an aesthetically-pleasing mix of uses that provides essential services for the larger community and neighbors to support those services.

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The proposed mixed use provides commercial buildings along the Campbellton Road frontage and eliminates the gas station outparcel along the road. In lieu of the big box store, Carter proposes a gated multifamily community towards the rear of the site. In addition, Carter proposes a street connecting the development with Riverside Drive and a commercial street frontage along Riverside Drive. This horizontally integrated mixed use, with multiple access points and internal circulation for vehicles and pedestrians, will serve to reroute vehicular traffic from the main intersection at Riverside and Campbellton and reduce the number of vehicle trips, as compared to the current zoning. Specifically, the current zoning would generate 11,607 vehicular trips (two-way) per day, whereas the proposed mixed use generates only 3,980 vehicular trips (two way). This traffic count includes both the proposed commercial space and residential uses. The significant reduction in vehicular trips to the Property leads the Atlanta Regional Commission to conclude that a revised Development of Regional Impact analysis is not necessary.

Prior to submitting this application, Carter held multiple meetings with numerous community stakeholders, including the Sandtown Neighborhood Executive Board, Economic Development Staff and permit review officials. The purpose of the meetings with community stakeholders is to "road test" Carter's ideas about the most desirable proposal for this site. This communication allowed Carter to listen to desires and needs of the community and resulted in significant changes to the proposed development. Carter will continue to listen to community input and respond wheresoever feasible to those concerns. The meetings with city staff allowed Carter to develop its plans beyond the concept phase to something that meets regulations and is practically feasible from a regulatory standpoint. Carter is serious about community engagement and proposing what can be built.

The zoning modification is being sought for the purpose of amending any and zoning conditions in the current zoning that would prevent development of the Property in the manner shown on the site plan, including without limitation conditions 1(a), 1(b), and 2(a). These conditions cannot be met because the current zoning and conditions require a use and scale of development that is no longer economically or practically feasible (or desirable) because the end-user has located its store across Riverside Drive.

167,731
Specifically, Carter seeks a modification so that condition 1(a) is modified to rescind the current condition in its entirety and the new condition 1(a) replace it with the following language: "retail, service, offices, institutional and/or commercial and accessory uses, not to exceed a total of ~~100,000~~ square feet of floor area, and multifamily residential dwelling units and accessory uses, not to exceed a total of 300 units or a total of 12.3 units per acre for the 24.4 acres which are the subject of this Modification. The following uses are excluded; commercial amusements, liquor stores, adult bookstores, pawn shops, check cashing facilities, hotels and coin-operated laundromats which do not include commercial dry-cleaning establishments."

Carter seeks to delete Condition 1b in its entirety so as allow flexibility on the mix of office, institutional, commercial, retail, service and accessory uses to be allowed on the designated nonresidential parcels.

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Carter seeks to modify condition 2(a) by deleting the first sentence and replacing that sentence with the following language: "To the site plan received by the Department of Zoning on February 19, 2021. "

Finally, the zoning modification is sought because the development as shown on the existing conditions of zoning cannot accomplish the goals and purposes of the zoning ordinance and land use planning principles. The existing zoning condition envisioned a mixed use project with a large grocery store with out-buildings (including a gas station) facing Campbellton Road. That development has not been accomplished on surrounding parcels and the grocery store/related commercial uses designated for this site was located and built to the north on the other side of Riverside Drive. Putting aside the market and economic forces that prevent the duplication of that development on this site, land use planning principles would not promote an intense auto-oriented node of big box retailers and gas stations at this site. The ability to promote a walkable community is frustrated by the development of multiple large auto-oriented facilities, as street, driveways and intersections become clogged with conflicting movements of auto and pedestrians. The provision of residents in the area who will use the pedestrian amenities and frequent smaller retail establishments that serve their needs offers a balance to the important grocery store development to the north. The City's zoning ordinance calls for an array of uses that are compatible with each other, support each other, and do not negatively impact the larger community. By reducing traffic impact compared to existing allowances and providing for a mix of uses that include smaller buildings, the proposal serves these goals.

For these reasons, Carter respectfully requests that the zoning modification be approved so that the Property can be developed in an economically feasible way that meets planning principles and the goals of the City's Zoning Ordinance.

Concurrent Variance

Carter seeks a variance to reduce the parking requirement for the residential portion of the proposed development from a minimum required 543 parking spaces to 485 parking spaces for the maximum 300 multifamily dwelling units proposed. This parking variance does not include a reduction for the proposed commercial uses. As demonstrated by Carter's traffic engineer, the parking reduction amounts to the provision of 1.62 parking spaces per unit, as opposed to 1.96 spaces per dwelling unit required by the ordinance. The reduction is, according to the traffic engineer, in line with actual parking demands and needs in similar multifamily developments. The reduction also serves to reduce unnecessary reliance on single-person automobile trips and traffic congestion.

Each criterion to be analyzed for review of the variance request is address in turn below.

- A. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its shape, size or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

The strict enforcement of the parking requirement for 1.92 spaces per unit would create an unnecessary hardship due to the Property's shape and size which, if a variance is granted, would cause no detriment to the public. The Property is an awkward shaped parcel with twelve (12) sides, those sides intersecting at sharp angles and rounded curves, creating an irregular shape. In addition, the Property's topography fronts on two existing streets, which results in less land for parking. Additionally, accommodations for stormwater management facilities and interparcel connection reduces the buildable area within the awkwardly-shaped parcel.

These conditions create a hardship in providing the minimum required functional area for the mix of uses, including accessory amenity areas and interparcel connections to improve the surrounding road network, in that the Property is burdened by "pinch points" and irregular area within which to place geometrically regular parking spaces and associated access.

The hardship is unnecessary to serve the purposes of the Zoning Ordinance. Section 5-1006 declares the purposes of the Zoning Ordinance to be, among other things, to provide for adequate open space, recreation areas, and to lessen congestion in the streets, to facilitate the adequate provision of transportation and to promote desirable living conditions. The strict enforcement of the parking requirements would contradict these goals, in these particular circumstances, because to do would reduce the amount of amenity areas, open space and interparcel connection otherwise proposed by Carter. If the variance is not granted, Carter would be forced to use the open areas, amenity space and interparcel connection for parking spaces. In addition, the reduced amount of parking results in fewer vehicles serving the site, which results in less traffic congestion. It is not necessary to strictly enforce the parking requirement in this case in order to meet the purposes of the Zoning Ordinance.

The approval of the variance would not cause detriment to the public. The proposed residential community is a gated community. The parking area is within the gated boundary. There will be dedicated guest parking and prospective-tenant parking onsite. As a practical matter, overflow parking (which is not likely to occur due to actual parking demands as concluded by the traffic engineer) would have to occur outside of the gated boundary of the community. The distance between the proposed residential community and the nearest areas to park in a manner affecting the public is simply too far to be a practical parking alternative.

B. Special conditions and circumstances exist which are peculiar to the land, structure, and buildings involved and which are not applicable to other land, structures, or buildings within the same district.

There exist special conditions and circumstances which are peculiar to this land and buildings alone and which do not apply to any other land, structures or buildings within the same district. The Property is the only one that has the unique awkward shape and is served by two street frontages in a fashion that excludes the corner lot at

the intersection. In addition, the proposed conditions involving a commercial use along the street frontages, residential uses in the rear of the parcel and street connectively along the northern boundary of the lot to lessen congestion at the Riverside/Campbellton Road intersection are special and unique to the Property and do not apply to any other land, structures or buildings in the City.

- C. The literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of the rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The strict and literal enforcement of the minimum parking requirement would deprive the applicant of rights commonly enjoyed by other properties within the MIX district because that district specially allows (and encourages) accessory amenity areas and open spaces. Due to the shape and size of the lot, and the desire to provide traffic calming measures at the intersection of Campbellton Road and Riverside Drive, these commonly enjoyed rights are denied to Carter if the minimum parking requirement must be met within the gated community.

- D. The special conditions and circumstances do not result from the actions of the appellant.

The special conditions and circumstances do not result from the actions of Carter. The size, shape and topography of the land and the existing surrounding road network all result from natural causes or by others.

- E. Granting the variance will not confer upon the appellant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

Approval of this variance request will not confer upon Carter any special privilege denied to others by the zoning ordinance because this request meets all of the criteria for such approval. Given the unique circumstances of the awkward shape of the lot, the mix of uses desired by the current zoning, and the location of the Property in relationship to an important roadway intersection and the ability to lessen congestion with the installation of a private drive connecting two public streets so as to avoid vehicles being congested at the intersection, nothing special is being granted that would be denied to others in this highly unique circumstance.

- F. The request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant or gain an advantage or interest over similarly zoned property.

The request to reduce minimum required parking of 1.96 spaces per unit to 1.62 spaces per unit is limited to only that which is necessary and is not sought merely as a convenience but rather as a necessity to adequately provide accessory aspects of the

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site, such as open space, setbacks, buffers, interparcel connection and amenity space, which serve the public interest and are customarily enjoyed by others in the same district. No advantage or interest over similarly zoned property is achieved with the approval requested.

- G. Relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

Section 5-1006 declares the purposes of the Zoning Ordinance to be, among other things, to provide for adequate open space, recreation areas, and to lessen congestion in the streets, to facilitate the adequate provision of transportation and to promote desirable living conditions. Relief, if granted, would allow these goals to be met. If denied, these goals would be frustrated. Relief would allow the provision of amenity areas, open space, adequate buffers, and interparcel connection providing alternate routes of traffic to the public to avoid the Riverside Drive/Campbellton Road intersection. If relief is denied, Carter would be forced to use the open areas, amenity space and interparcel connection for parking spaces. In addition, the reduced amount of parking results in fewer vehicles serving the site, which results in less traffic congestion. Relief, if granted, would serve and implement the purposes of the Zoning Ordinance as articulated in Section 5-1006 of the City Code.

d)Notice of Constitutional Objections

As you know, Georgia law requires the applicant to give the governing authority fair notice if it believes that the current zoning of the property, and the continued enforcement of the current zoning in the future, would deprive it and/or the owner of constitutional rights. Accordingly, this is to place the governing authority of the City of South Fulton on notice that the continued enforcement of the current zoning on the Property, or the continued enforcement of any zoning regulation that prevents the Property from being developed and used as proposed herein would violate the owner's and applicant's rights guaranteed by Article I, Section I, Paragraph I; Article I, Section I, Paragraph II; and Article I, Section III, Paragraph I of the Georgia Constitution and the 5th and 14th amendments to the US Constitution. However, given that the proposal is consistent with, and implements, the goals and purposes of the Zoning Ordinance, the MIX zoning district and land use planning principles, we respectfully urge that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

Enclosures

102229 | 141558-000002

ATTACHMENTS / EXHIBITS

**Property Description
Campbellton Road Tract**

All that tract or parcel of land lying and being in Land Lots 118, 119, 130 & 131, 14FF District, City of South Fulton, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the apparent Land Lot Corner common to Land Lots 118, 119, 130 & 131, said District, said Section; thence leaving the aforesaid apparent Land Lot Corner and running with the Land Lot Line common to Land Lots 130 & 131 North 88° 40' 34" West, 402.21 feet to the **POINT OF BEGINNING**.

Thence, leaving the aforesaid **POINT OF BEGINNING** and continuing with the aforesaid Land Lot Line common to Land Lots 130 & 131

1. North 88° 07' 21" West, 462.41 feet; thence, leaving the aforesaid Land Lot Line
2. North 26° 43' 47" East, 1195.91 feet; thence,
3. 63.66 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 57° 57' 10" East, 62.59 feet; thence,
4. South 76° 12' 20" East, 18.96 feet; thence,
5. South 22° 35' 43" East, 57.10 feet; thence,
6. 23.27 feet along the arc of a curve deflecting to the left, having a radius of 99.99 feet and a chord bearing and distance of South 29° 48' 00" East, 23.22 feet; thence,
7. South 36° 27' 19" East, 17.13 feet; thence,
8. South 18° 20' 49" East, 24.72 feet; thence,
9. 36.10 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 28° 40' 41" East, 35.90 feet; thence,
10. South 39° 01' 52" East, 49.16 feet; thence,
11. South 42° 23' 31" East, 33.57 feet; thence,
12. South 45° 39' 08" East, 24.85 feet; thence,
13. South 25° 00' 26" East, 10.69 feet; thence,
14. South 01° 07' 10" East, 24.05 feet; thence,
15. 70.96 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 21° 27' 41" East, 69.48 feet; thence,
16. South 41° 45' 37" East, 15.39 feet; thence,
17. South 20° 34' 33" East, 3.39 feet; thence,
18. South 07° 17' 42" East, 20.48 feet; thence,
19. 81.32 feet along the arc of a curve deflecting to the left, having a radius of 99.99 feet and a chord bearing and distance of South 30° 35' 41" East, 79.10 feet; thence,
20. South 53° 52' 58" East, 43.55 feet; thence,
21. South 56° 19' 11" East, 32.42 feet; thence,
22. 179.79 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of North 71° 59' 07" East, 156.53 feet; thence,
23. North 20° 31' 39" East, 9.35 feet; thence,
24. 137.15 feet along the arc of a curve deflecting to the left, having a radius of 100.58 feet and a chord bearing and distance of North 18° 50' 48" West, 126.77 feet; thence,
25. 8.92 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of North 00° 46' 15" East, 8.92 feet; thence,
26. North 66° 32' 02" East, 1.41 feet; thence,
27. North 48° 40' 00" East, 230.42 feet; thence,

28. North 59° 26' 57" East, 248.93 feet to a point on the southerly right-of-way line of Riverside Drive (having an apparent 60' right-of-way); thence, running with the said right-of-way line of Riverside Drive
29. South 31° 31' 45" East, 45.53 feet; thence,
30. South 30° 25' 34" East, 275.68 feet; thence, leaving the aforesaid right-of-way line of Riverside Drive
31. South 59° 00' 14" West, 166.59 feet; thence,
32. South 29° 48' 54" East, 6.07 feet; thence,
33. 123.15 feet along the arc of a curve deflecting to the right, having a radius of 99.99 feet and a chord bearing and distance of South 05° 26' 40" West, 115.51 feet; thence,
34. 68.99 feet along the arc of a curve deflecting to the left, having a radius of 100.00 feet and a chord bearing and distance of South 20° 57' 24" West, 67.63 feet; thence,
35. 263.02 feet along the arc of a curve deflecting to the right, having a radius of 300.01 feet and a chord bearing and distance of South 26° 18' 45" West, 254.68 feet; thence,
36. South 31° 27' 28" East, 207.64 feet to a point on the northerly right-of-way line of Campbellton Road (having an apparent 80' right-of-way); thence, running with the said right-of-way line of Campbellton Road
37. 215.03 feet along the arc of a curve deflecting to the left, having a radius of 3,563.08 feet and a chord bearing and distance of South 67° 35' 57" West, 214.99 feet; thence,
38. South 64° 26' 02" West, 160.31 feet; thence,
39. 81.29 feet along the arc of a curve deflecting to the left, having a radius of 1,915.48 feet and a chord bearing and distance of South 62° 22' 55" West, 81.28 feet; thence,
40. 38.51 feet along the arc of a curve deflecting to the left, having a radius of 719.87 feet and a chord bearing and distance of South 62° 19' 01" West, 38.51 feet; thence,
41. 576.78 feet along the arc of a curve deflecting to the left, having a radius of 3,164.04 feet and a chord bearing and distance of South 56° 07' 42" West, 575.98 feet; thence, leaving the aforesaid right-of-way line of Campbellton Road
42. North 01° 16' 27" East, 435.14 feet to the **POINT OF BEGINNING**, containing 1,141,828 square feet or 26.2128 acres of land, more or less.

Described property is subject to all easements and rights of way recorded and unrecorded.

CAMPBELLTON ROAD TRACT
CARTER
FEBRUARY 9, 2021

POINT OF COMMENCEMENT TO POINT OF BEGINNING

257			1345527.4278	2169660.1911
201	N 88° 40' 34" W	402.208	1345536.7200	2169258.0900
	Horiz. Length =	402.208 Ft		

DEFINED PROPERTY

201			1345536.7200	2169258.0900
202	N 88° 07' 21" W	462.408	1345551.8700	2168795.9300
203	N 26° 43' 47" E	1195.908	1346619.9800	2169333.8300
205	S 57° 57' 10" E	62.588	1346586.7700	2169386.8800
206	S 76° 12' 20" E	18.957	1346582.2500	2169405.2900
207	S 22° 35' 43" E	57.103	1346529.5300	2169427.2300
209	S 29° 48' 00" E	23.221	1346509.3800	2169438.7700
210	S 36° 27' 19" E	17.132	1346495.6000	2169448.9500
211	S 18° 20' 49" E	24.716	1346472.1400	2169456.7300
213	S 28° 40' 41" E	35.904	1346440.6400	2169473.9600
214	S 39° 01' 52" E	49.163	1346402.4500	2169504.9200
215	S 42° 23' 31" E	33.566	1346377.6600	2169527.5500
216	S 45° 39' 08" E	24.849	1346360.2900	2169545.3200
217	S 25° 00' 26" E	10.692	1346350.6000	2169549.8400
218	S 01° 07' 10" E	24.055	1346326.5500	2169550.3100
220	S 21° 27' 41" E	69.477	1346261.8900	2169575.7300
221	S 41° 45' 37" E	15.390	1346250.4100	2169585.9800
222	S 20° 34' 33" E	3.386	1346247.2400	2169587.1700
223	S 07° 17' 42" E	20.476	1346226.9300	2169589.7700
225	S 30° 35' 41" E	79.102	1346158.8400	2169630.0300
226	S 53° 52' 58" E	43.550	1346133.1700	2169665.2100
227	S 56° 19' 11" E	32.422	1346115.1900	2169692.1900
229	N 71° 59' 07" E	156.534	1346163.6000	2169841.0500
230	N 20° 31' 39" E	9.354	1346172.3600	2169844.3300
232	N 18° 50' 48" W	126.766	1346292.3300	2169803.3800
234	N 00° 46' 15" E	8.921	1346301.2500	2169803.5000
235	N 66° 32' 02" E	1.406	1346301.8100	2169804.7900
236	N 48° 40' 00" E	230.423	1346453.9900	2169977.8100
237	N 59° 26' 57" E	248.926	1346580.5200	2170192.1800
238	S 31° 31' 45" E	45.532	1346541.7100	2170215.9900
239	S 30° 25' 34" E	275.676	1346304.0000	2170355.6000
240	S 59° 00' 14" W	166.589	1346218.2100	2170212.8000
241	S 29° 48' 54" E	6.074	1346212.9400	2170215.8200
243	S 05° 26' 40" W	115.511	1346097.9500	2170204.8600
245	S 20° 57' 24" W	67.634	1346034.7900	2170180.6700
247	S 26° 18' 45" W	254.677	1345806.5000	2170067.7800
248	S 31° 27' 28" E	207.638	1345629.3800	2170176.1400
250	S 67° 35' 57" W	214.993	1345547.4500	2169977.3700

251	S 64° 26' 02" W	160.306	1345478.2700	2169832.7600	251
253	S 62° 22' 55" W	81.281	1345440.5900	2169760.7400	253
255	S 62° 19' 01" W	38.508	1345422.7000	2169726.6400	255
200	S 56° 07' 42" W	575.977	1345101.6873	2169248.4134	200
201	N 01° 16' 27" E	435.140	1345536.7200	2169258.0900	201

** CURVE DATA **

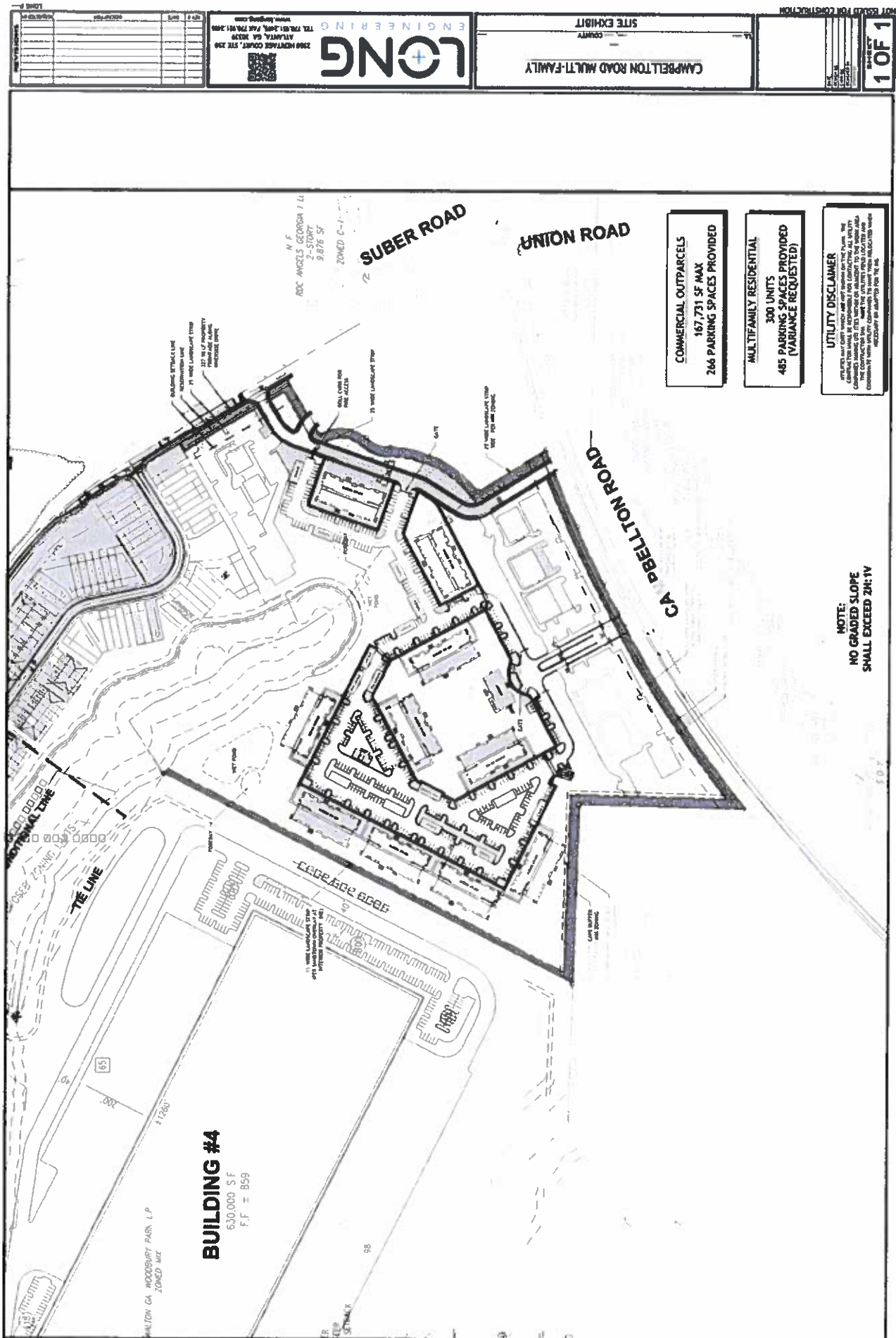
CNTR	PC	PT	RADIUS	DELTA	ARC	TANGENT	CHORD
204	203	205	-100.003	36° 28' 18"	63.657	32.949	62.588
208	207	209	-99.993	13° 20' 07"	23.273	11.689	23.221
212	211	213	-100.003	20° 41' 00"	36.100	18.249	35.904
219	218	220	-99.997	40° 39' 23"	70.957	37.046	69.477
224	223	225	-99.995	46° 35' 53"	81.325	43.063	79.102
228	227	229	-100.000	103° 00' 40"	179.788	125.742	156.534
231	230	232	-100.577	78° 07' 46"	137.148	81.634	126.766
233	232	234	-99.999	5° 06' 47"	8.924	4.465	8.921
242	241	243	99.994	70° 33' 44"	123.147	70.750	115.511
244	243	245	-100.002	39° 31' 48"	68.994	35.934	67.634
246	245	247	300.008	50° 13' 55"	263.020	140.636	254.677
249	248	250	-3563.081	3° 27' 28"	215.026	107.546	214.993
252	251	253	-1915.478	2° 25' 53"	81.287	40.650	81.281
254	253	255	-719.871	3° 03' 55"	38.513	19.261	38.508
256	255	200	-3164.040	10° 26' 40"	576.776	289.189	575.977

Area in Sq.Ft. = 1141827.748 SF
Area in Acres = 26.212758 Acres
Horiz. Length = 5788.771 Ft

Table of coordinates:

Point	North	East
200	1345101.687300	2169248.413400
201	1345536.720000	2169258.090000
202	1345551.870000	2168795.930000
203	1346619.980000	2169333.830000
204	1346683.890000	2169410.740000
205	1346586.770000	2169386.880000
206	1346582.250000	2169405.290000
207	1346529.530000	2169427.230000
208	1346568.820000	2169519.180000
209	1346509.380000	2169438.770000
210	1346495.600000	2169448.950000
211	1346472.140000	2169456.730000
212	1346503.610000	2169551.650000
213	1346440.640000	2169473.960000
214	1346402.450000	2169504.920000
215	1346377.660000	2169527.550000
216	1346360.290000	2169545.320000
217	1346350.600000	2169549.840000
218	1346326.550000	2169550.310000
219	1346328.520000	2169650.290000
220	1346261.890000	2169575.730000

221	1346250.410000	2169585.980000
222	1346247.240000	2169587.170000
223	1346226.930000	2169589.770000
224	1346239.620000	2169688.960000
225	1346158.840000	2169630.030000
226	1346133.170000	2169665.210000
227	1346115.190000	2169692.190000
228	1346198.587427	2169747.370333
229	1346163.600000	2169841.050000
230	1346172.360000	2169844.330000
231	1346207.120000	2169749.950000
232	1346292.330000	2169803.380000
233	1346298.180000	2169703.550000
234	1346301.250000	2169803.500000
235	1346301.810000	2169804.790000
236	1346453.990000	2169977.810000
237	1346580.520000	2170192.180000
238	1346541.710000	2170215.990000
239	1346304.000000	2170355.600000
240	1346218.210000	2170212.800000
241	1346212.940000	2170215.820000
242	1346163.190000	2170129.080000
243	1346097.950000	2170204.860000
244	1346032.710000	2170280.650000
245	1346034.790000	2170180.670000
246	1346041.060000	2169880.730000
247	1345806.500000	2170067.780000
248	1345629.380000	2170176.140000
249	1342295.710000	2171433.990000
250	1345547.450000	2169977.370000
251	1345478.270000	2169832.760000
252	1343762.600000	2170684.540000
253	1345440.590000	2169760.740000
254	1344794.390000	2170077.980000
255	1345422.700000	2169726.640000
256	1342646.030000	2171243.630000
257	1345527.427800	2169660.191100





Notice of Decision Conditions of Approval, GRTA can consider revising the Conditions of Approval. Given the ADT changes substantially, GRTA may decide to require a new transportation study depending on what conditions are up for debate.

The next steps would be for ARC to note if a new review is warranted. If it isn't, I'll speak with you, the developer and the City of South Fulton about revising the NOD.

Andrew Spiliotis

Transportation Planner

State Road & Tollway Authority | Georgia Regional Transportation Authority | Atlanta-Region Transit Link Authority

o: 404-893-6171 | aspiliotis@srta.ga.gov



From: Greg Giuffrida <GGiuffrida@atlantaregional.org>

Sent: Tuesday, October 13, 2020 8:38 AM

To: Andrew Spiliotis <aspiliotis@srta.ga.gov>; Joe Severin <jseverin@longeng.com>

Subject: RE: Modification to DRI 2654, Woodbury Park E-Commerce and Distribution Center

CAUTION: This email originated from outside of SRTA. Maintain caution when opening external links/attachments

Hi, I'm sorry for the delay following up on this. ARC staff has reviewed the proposal and does not see the need for a new DRI review given the reduced footprint and trip generation.

From a high level, the new proposal is set far back from the street and misses the opportunity for a more walkable pattern of development in this area, but it's up the City of South Fulton to determine if that's a priority for them. We would be happy to provide more feedback if any parties are interested, but our input is limited without a new DRI review. It's good to see the street stub to the east for future connectivity and we would encourage that remains in the site plan.

Hope this is helpful. Please let me know if you have any questions.

Regards,

Greg Giuffrida

Plan Reviews Program Manager, Community Development

Atlanta Regional Commission

P | 470.378.1531

ggiuffrida@atlantaregional.org

atlantaregional.org

From: Andrew Spiliotis <aspiliotis@srta.ga.gov>

Sent: Monday, October 5, 2020 2:23 PM

To: Joe Severin <jseverin@longeng.com>; Greg Giuffrida <GGiuffrida@atlantaregional.org>

Subject: RE: Modification to DRI 2654, Woodbury Park E-Commerce and Distribution Center



January 7, 2021

City of South Fulton

RE: Request for Parking Variance
Woodbury Park Multifamily – City of South Fulton
LEI Project #0607-0010

Dear City of South Fulton,

The proposed multifamily component of the Woodbury Park Development will include a total of 300 units with a small clubhouse/leasing office. The breakdown of the number of units and type is as follows:

- 120 One-Bedroom Units
- 150 Two-Bedroom Units
- 30 Three-Bedroom Units
- 4,800 SF for Leasing Office

Per the City of South Fulton Parking Requirements (Article XVIII) the off-street parking ratios are 1.4 spaces per one-bedroom unit, and 2.25 spaces per two- and three-bedroom units. Categorizing the leasing office under the category of office, the required ratio is 3 spaces per 1,000 SF. Using the breakdown provided above, the total required parking by the City's ordinance is 588 total parking spaces.

We would like to request a variance to amend the parking requirement to allowable off-street parking ratios of 1 space per one-bedroom unit, 2 spaces per two- and three-bedroom units and 1 space per 1,000 SF for office. Per code, Carter would be required to be at 1.96 spaces/unit. With this variance request, Carter would be at 1.62 spaces/unit. 1.62 spaces/unit is more in line with what I see in best in class multi-family developments across the Southeast. This would result in a total off-street parking count of 485 spaces for the 300 provided multifamily units.

Sincerely,

Joseph Severin, PE
President

Cc: Jerome Hagley, Carter
Kendall Golightly, Carter
Adam Parker, Carter

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Mayor/Council Proclamations for Spreading on the Minutes

DATE: April 27, 2021

SUBJECT: Mayor/Council Proclamations for Spreading on the Minutes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
American Descendants of Slavery (ADOS)	Cover Memo	4/22/2021
Burdett Park 10U Major City of South Fulton	Cover Memo	4/22/2021
Fredericka Jones	Cover Memo	4/22/2021
Jill Lindsey	Cover Memo	4/22/2021
Shanequa Gay	Cover Memo	4/22/2021
Sonya Halpern	Cover Memo	4/22/2021
Umar Johnson	Cover Memo	4/22/2021
Westlake Lady Lions	Cover Memo	4/22/2021
Yusef Salaam	Cover Memo	4/22/2021



City of South Fulton

WHEREAS, ADOS was started by the brain trust of Howard University graduate an host of the Breaking Brown political show, Yvette Carnell, an UCLA alumnus and Attorney, and Antonio Moore who hosts the weekly radio show Tonetalks; and

WHEREAS, ADOS—which stands for American Descendants of Slavery—seeks to reclaim/restore the critical national character of the African American identity and experience, one grounded in our group’s unique lineage, and which is central to our continuing struggle for social and economic justice in the United States; and

WHEREAS, more than 30 - 40 million Americans identify themselves as being “Black” and trace their American lineage from the U.S.’s institution of slavery; and

WHEREAS, American descendants of U.S. slavery have made significant contributions to enrich the American economy creating a world Superpower & society; and have served their Nation well in times of war and peace; and

WHEREAS, American descendants of U.S. slavery descend from enslavement, broken promises of Reconstruction, Jim Crow laws, and segregation, convict leasing, redlining, racial terrorism & lynching to inherit disfranchisement and second-class citizenship and a lack of wealth; and

WHEREAS, American descendants of U.S. slavery suffer racial, social, economic, and political discrimination and are denied the basic opportunities they deserve as American citizens that would enable them to begin to lift themselves out of the poverty they now endure.

NOW, THEREFORE, BE IT PROCLAIMED by the City of South Fulton the acknowledgement of the significant and unique contributions of Black Americans who are descendants from the institution of chattel slavery in the United States.

Councilwoman Naeema Gilyard



City of South Fulton

WHEREAS, in March of 2020, the Burdett Trojans Basketball Team, also known as the Burdett 10U Major City of South Fulton Champions, finished a tremendous season with a record of 15-0 winning the Georgia Parks and Recreation Association's (GRPA) 10U Major State Basketball Championship; and

WHEREAS, under the leadership and guidance of Head Coach Bryant Conner and Assistant Coaches Jonathon Jones, and Troy Monroe, the Team competed in the finals of the GRPA State Tournament with a final score of South Fulton - 39 and Henry County - 36; and

WHEREAS, the Burdett 10U Major City of South Fulton's Basketball Team won the 2020 GRPA State Championship with a victory that is recorded as the very first State Championship won as a representative of the City of South Fulton Park's Program; and

WHEREAS, the City of South Fulton congratulates and recognizes the Burdett 10U Major City of South Fulton Basketball Team members Nasir Banks, Lakari Crouch, Christian Dixon, Daylen Jones, Gavin Monroe, Miles Odem, Weston Studivant, Miles Thomas, Ayden Tolson, and Rylan White for the accomplishments they achieved and for their hard work, dedication, perseverance and love of the sport of basketball; and

WHEREAS, after several months of dedication, team work, and fun for these young men and their coaches, the Burdett Park 10U Major City of South Fulton Basketball season came to a remarkable end with the awarding of the Georgia Parks and Recreation Association's 10U Major Basketball State Championship and shares this tremendous accomplishment with the entire City of South Fulton.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton commends and recognizes the athletic prowess, outstanding coaching and tremendous accomplishments of the Burdett 10U Major City of South Fulton Basketball Team and hereby proclaims Wednesday, April 21, 2021 as "**Burdett Park 10U Major City of South Fulton Champions Day**" in the City of South Fulton, Georgia.

Councilman Corey A. Reeves, District 5



City of South Fulton

WHEREAS, Fredericka Jones is the owner of Sandtown Pub and the Pub on Wheels Food Truck both located in South Fulton, Georgia;

WHEREAS, Fredericka at the age of 14 started her career working for fast food chains in her home state of South Carolina and excelled in learning all operations of the business;

WHEREAS, Fredericka knew early on that she would be an entrepreneur and own her own restaurant in the future;

WHEREAS, in 1996, she moved to Atlanta and set her sights on becoming a business owner and when the opportunity presented itself, in 2013, she opened up her own sports bar and the rest is history;

WHEREAS, Fredericka has a deep love for her community and her desire to serve was further cultivated while attending South Carolina State University through her service and sisterhood in Delta Sigma Theta Sorority Incorporated;

WHEREAS, Fredericka Jones is a philanthropist whose generosity has supported numerous community events and causes to include Healthy South Fulton Day; Westlake Cluster School Sponsorships for Randolph, Sandtown and Westlake; Damita Chatman's Senior Breakfast; Cliftondale Fall Festival; Court Appointed Special Advocates Holiday Toy Drive; meals for Chestnut Ridge residents following the tornado and sponsorship of City of South Fulton First Responders meals during the COVID-19 pandemic and so much more; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and South Fulton City Council do hereby proclaim March 28, 2021 as "**Fredericka Jones Appreciation Day**" in the City of South Fulton, Georgia.

Councilwoman Catherine Foster Rowell, Ph.D., District 1



City of South Fulton

WHEREAS, Jill Lindsey, Entrepreneur, Small business Owner, member of The Old National Merchants Association, and the only District 7 Person to adopt a Road, (Bethsaida Rd), is a City of South Fulton District 7 Super-Constituent, exemplified in her altruism, passion, and unmatched consistent service for our Community.

WHEREAS, Alicia Rivera, Co-Founder and Chief Financial Officer of Feeding Georgia Families, established partnerships with over 40 nonprofit organizations to distribute food across the State of Georgia and has founded a nationwide distribution program to reach more people in need.

WHEREAS, Feeding Georgia Families, a 501c3 state licensed non-profit food pantry and community services agency aimed at combating food insecurity in our communities with the assistance of farmers, food banks, grocery stores, small businesses, corporate donors and sponsorships, and volunteers.

WHEREAS, Jill Lindsey and Alicia Rivera's Feeding Georgia Families has provided food security and other invaluable resources during the City of South Fulton's District 7 Councilman Mark Baker's Thanksgiving food giveaway, as well as his Common Unity Series Food Giveaway.

Now, therefore be it resolved, that the Mayor and City Council of the City of South Fulton do hereby proclaim Friday, April 16th, 2021 as **"JILL LINDSEY AND FEEDING GEORGIA FAMILIES,"** in the City of South Fulton, Georgia.

Councilman Mark Baker



City of South Fulton

WHEREAS, Shanequa Gay, an Atlanta native, is a woman of many gifts, talents, and passion whose creative process is her lifeline to all that experience her art and performances;

WHEREAS, not only is she an acclaimed artist, eloquent and effective public speaker, distinguished scholar, innovative educator, her most acclaimed gift is that of being the mother of an amazing, brilliant young son;

WHEREAS, always an avid learner, with an innate hunger for the arts, she began her collegiate career at Savannah College of Art and Design, earning a Bachelor of Arts Degree in Painting, receiving the distinction of summa cum laude, and later receiving a Master of Fine Arts Degree from Georgia State University;

WHEREAS, Shanequa is one who looks through the lens of possibility and sees the wide doors of opportunity. One of her most notable recognitions was being chosen by The Congressional Club as the illustrator for the First Lady’s Luncheon hostess gift for First Lady Michelle Obama;

WHEREAS, her gift as an artist has ushered her talents before such notable organizations as the Atlanta Super Bowl Host Committee, Lions Gate Films, BET, Oprah Winfrey Network (OWN), and a private collection of actor, Samuel L. Jackson;

WHEREAS, Shanequa, in her artistic astuteness, has learned that each day is a canvas waiting to be painted – an opportunity for love, for fun, for living and for learning;

WHEREAS, never one to rest on her laurels, but recognizes that, “to whom much is given much is required”, she spans the globe with artistic performances as “Ode to Kathryn Johnson” (2016), artist-in- residences in South Africa and Japan, and a public collection of Hong Kong;

NOW, THEREFORE, BE IT RESOLVED, That Mayor and City Council recognizes the unique virtuosity of Shanequa Gay, acknowledges her compassionate response to poverty and ethnicity, joins with the East Point/College Park Alumnae Chapter of Delta Sigma Theta Sorority, Inc. in celebrating her at their Kuumba Tribute, and do hereby proclaim, Sunday, May 2, 2021 as ***SHANEQUA GAY DAY*** in the City of South Fulton.

Mayor William “Bill” Edwards



City of South Fulton

WHEREAS, Sonya Halpern, who is a Georgia State Senator representing the 39th District currently serving her first term, has been committed to higher socio-political community efficacy well before her victorious special election in December 2020.

WHEREAS, State Senator Sonya Halpern, a first generation Georgian, has moved quickly into the higher echelons of public decision making, progressing from leadership positions in the Young Women's Christian Organization, Electing Women Alliance Atlanta, Atlanta School for the Arts Foundation, as well as Public Broadcasting Atlanta.

WHEREAS, the State of Georgia boasts the second-most HBCU's in the country with 10 institutions throughout the state, and State Senator Sonya Halpern, in only her first term, has sponsored a resolution naming the 16th of March as Historically Black College and University Heritage Day, and in partnership with Governor Brian Kemp, hosted a celebration honoring all ten of Georgia's HBCU's.

WHEREAS, State Senator Sonya Halpern within the first quarter of her 1st term has worked tirelessly to bring State Lawmakers, Stakeholders and Local Officials together for the benefit of South Fulton residents, carrying the bill to annex the Fulton Industrial Corridor... a feat that many have championed since our city's inception.

Now, therefore be it resolved, That the Mayor and City Council of the City of South Fulton do hereby proclaim Friday, April 16th, 2021 as **"STATE SENATOR SONYA HALPERN"** in the City of South Fulton, Georgia.

Councilman Mark Baker



City of South Fulton

WHEREAS, Our Brother Dr. Umar Johnson, who is a Doctor of Clinical Psychology and Certified School Psychologist and is considered an expert on the education and higher efficacy of African and African American Children, is a Star in both our local South Fulton Community, as well as the broader collective.

WHEREAS, Dr. Umar Johnson is an educational diagnostician who specializes in special education issues. He is known most for his work in identifying mis-diagnosed learning disabled and ADHD students. He is widely regarded as the most influential African American Certified School Psychologist in American History and is arguably the most influential Pan-Afrikanist of the 21st Century.

WHEREAS, Dr. Umar, who is one of our greatest minds, speaks to the issues tantamount to our community with the irreplaceable authority and ferocity of Black Masculinity. This former Minister of Education for the Honorable Marcus Garvey's UNIA-ACL is a direct descendent of formerly enslaved Civil War Veterans whom served in the 9th and 19th Regiments of the United States Colored Troops of Maryland.

WHEREAS, Dr. Umar, one of the most requested speakers in the world, has been invited to speak in every continent except Australia. Dr. Umar has made history in the City of South Fulton, "The Blackest City in America," by being the 1st of many guest speakers at Councilman Mark Baker's "Common Unity" program, where the mind, body, and soul was served with 20,000 pounds of food!

Now, therefore be it resolved, That the Mayor and City Council of the City of South Fulton do hereby proclaim Saturday, August 21st, 2021 as **"DR. UMAR APPRECIATION DAY"** in the City of South Fulton, Georgia.

Councilman Mark Baker



City of South Fulton

WHEREAS, the Westlake Lady Lions is one of the most impressive high school girls' basketball teams in the country; with laser-like focus, the Westlake Lady Lions have garnered a momentous 112 wins versus Georgia opponents in the last four years and have won four state titles, 2018, 2019, 2020 and 2021, finishing the 2019 and 2021 seasons, undefeated;

WHEREAS, led by the unconquerable Coach Hilda Hankerson since 1997, she has received the distinct honor of being the winningest coach in the Fulton County Schools' history. Coach Hankerson says, it's not about the wins and losses, but about the impact she has on the community, the lives she's changed and the positive influence she's able to share;

WHEREAS, Coach Hankerson's awards are equally as impressive, being honored by the Georgia Athletic Coaches Association (FACA) for logging 600 wins as a coach; named 2019 Region Coach of the Year and State Coach of the Year by GACA for the 7A division and, USA Today Coach of the Year;

WHEREAS, under her dynamic leadership, Westlake is the eighth school in state history to win four consecutive girls' basketball state championships;

WHEREAS, Coach Hankerson's team completed an undefeated season in 2021, clinching the school's seventh girls' state championship defeating Carrollton 64 – 46 in the GHSA championship game, ending the season as the only undefeated team in the state;

WHEREAS, this power team of amazing young ladies includes the passion of Point Guard, Raven Johnson, who has been a vital impact player of this team. Raven was named Atlanta Journal-Constitution Girls' Player of the Year as part of the senior class that won four consecutive state titles and lost only four games during their entire time at the school and never lost a game in their home state of Georgia;

WHEREAS, the phenomenal story continued when the Westlake Lady Lions dominated St. Paul VI Catholic High School of Chantilly, Virginia with a 70-50 victory, clinching the GEICO High School National Championship in Fort Myers, Florida;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council shares with so many in congratulating the Westlake Lady Lions for a dominating season that afforded them the opportunity to bring back-to-back state and national championships and do hereby proclaim, Wednesday, April 28, 2021 as **WESTLAKE LADY LIONS VARSITY GIRLS' BASKETBALL APPRECIATION DAY** in the City of South Fulton.

Mayor William 'Bill' Edwards

Mayor Pro Tem Helen Willis
District 3

Councilwoman Catherine Rowell
District 1

Carmalitha Gumbs
District 2

Councilwoman Naeema Gilyard
District 4

Councilman Corey A. Reeves
District 5

Councilman khalid kamau
District 6

Councilman Mark Baker
District 7



City of South Fulton

WHEREAS, Dr. Yusef Salaam, famously known as part of the Central Park Five, and now celebrated as the Exonerated Five comprised of four other Black and Latinx Men which were unjustly tried and convicted for the crimes they did not commit. They had their sentences overturned by DNA evidence and a confession by the real perpetrator in 2002, and have since become a beacon of light, hope, and excellence within the greater African and African American Diaspora.

WHEREAS, the story of Yusef Salaam, which illustrates the injustice in criminal justice, has been profiled in award winning films such as The Central Park Five, and most recently in the Netflix limited series When They See Us, written and directed by Ava DuVernay.

WHEREAS, in 2016 Dr. Yusef Salaam was a recipient of a Lifetime Achievement Award from President Barack Obama and has more recently shared of his story on CNN, MSNBC, REVOLT TV, NPR Atlanta, and FOX.

WHEREAS, Dr. Yusef Salaam, over the past decades has become a family man, father, poet, activist, and inspirational speaker, who uses his platform to edify the masses on the truths of incarceration and police brutality.

Now, therefore be it resolved, That the Mayor and City Council of the City of South Fulton do hereby proclaim Friday, April 16th, 2021 as **“DR. YUSEF SALAAM APPRECIATION DAY”** in the City of South Fulton, Georgia.

Councilman Mark Baker

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to award the contract and execute an Agreement with Comanche Construction of Georgia, LLC to provide repairs to Demooney Road over Deep Creek for Abutment Wall Repairs

DATE: April 27, 2021

SUBJECT: Request Council Approval to award the contract and execute an Agreement with Comanche Construction of Georgia, LLC to provide repairs to Demooney Road over Deep Creek for Abutment Wall Repairs

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Demooney Road over Deep Creek (PW)	Cover Memo	4/23/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/2021		
Requesting Department Public Works	Council District(s) Affected District 4	
Requested Action Award Comanche Construction of Georgia, LLC the contract to provide repairs to Demooney Rd over Deep Creek Abutment Wall Repairs in an amount not to exceed \$317,400.00. as formally solicited in ITB 21-003.		
Requirements for Council Action (City specific Council policy, statute or code requirement) COSF Procurement Code: Formal ITB 21-003 Demooney Road Wall Repair: ITB 21 - 003 was issued on February 17, 2021. Four (4) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of Comanche Construction of Georgia, LLC as the most responsive and responsible vendor.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) Comanche Construction of Georgia, LLC submitted a bid in the amount of \$317,400.00 this was the lowest total bid and it was identified as the most qualified bid as determined by the evaluation committee. As the most qualified Bidder meeting all the requirement of the ITB, Comanche Construction of Georgia, LLC represents the best value to the City.		
Funding Source (if applicable) Professional Service 100-4100-52-1200		
Financial Impact (if applicable) \$341,4000.00		
Financial Impact Statement Received Yes ☐ No ☐ Legislative Process Complete Yes ☐ No ☐		
Department Director Approval <i>Antonio Valenzuela</i>		Finance Director Approval <i>nina robinson</i>
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval



CITY OF SOUTH FULTON, GEORGIA CITY COUNCIL AGENDA ITEM

SUBJECT: Recommendation to award Comanche Construction of Georgia, LLC the contract to provide repairs to Demooney Rd over Deep Creek Abutment Wall Repairs in an amount not to exceed \$317,400.00.

COUNCIL ACTION REQUESTED ON: April 27, 2021

PURPOSE: Staff recommends approval of Comanche Construction of Georgia, LLC as the most responsive and responsible proponent in response to ITB 21 -003(Demooney Rd over Deep Creek Abutment Wall Repairs).

HISTORY: ITB 21 - 003 was issued on February 17, 2021. Four (4) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of Comanche Construction of Georgia, LLC as the most responsive and responsible vendor.

FACTS AND ISSUES: Comanche Construction of Georgia, LLC submitted the most qualified bid as determined by the evaluation committee and the lowest bid was \$317,400.00. As the most qualified meeting all the requirement of the ITB, Comanche Construction of Georgia, LLC represents the best value to the City.

OPTIONS/RECOMENDATIONS: Staff recommends that Comanche Construction of Georgia, LLC, be selected as the most responsive, responsible, and qualified candidate. Staff also recommends that council authorize Staff to engage Comanche Construction of Georgia, LLC and negotiate an Agreement for Comanche Construction of Georgia, LLC to perform services identified in Scope of work for an amount not to exceed \$317,400.00.

REQUESTED BY: Anthony Kerr, Purchasing Manager on behalf of COSF Public Works. 

Exhibit 1
Bid Tabulation

ITB 21-003 Demooney Road over Deep Creek Abutment Wall Repairs Bid Tabulation	
Comanche Construction of Georgia, LLC	\$317,400.00
Massana Construction	\$402,028.50
Georgia Bridge and Concrete	\$432,181.50
JHC Corporation	\$453,100.00

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to award the contract and execute an Agreement with The M Mitchell Group, LLC to provide repairs to Stacks Rd over CSX Railroad

DATE: April 27, 2021

SUBJECT: Request Council Approval to award the contract and execute an Agreement with The M Mitchell Group, LLC to provide repairs to Stacks Rd over CSX Railroad

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Stacks Rd. Over CSX (PW)	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/2021		
Requesting Department Public Works		Council District(s) Affected District 5
Requested Action Select The M Mitchell Group, LLC for award of the contract to provide repairs to Stacks Rd over CSX Railroad - Abutment Wall Repairs and Road Drainage Improvements in an amount not to exceed \$277,194.23. as solicited in ITB 21-004 Stacks Road Over CSX		
Requirements for Council Action (City specific Council policy, statute or code requirement) COSF Procurement Code: ITB 21-004 Stacks Road over CSX ITB 21 - 004 was issued on March 1, 2021. Two (2) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of The M Mitchell Group, LLC as the most responsive and responsible vendor.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) The M Mitchell Group, LLC submitted the most qualified bid as determined by the evaluation committee and the lowest bid was \$277,194.23. As the most qualified meeting all the requirement of the ITB, The M Mitchell Group, LLC represents the best value to the City. Staff recommends that The M Mitchell Group, LLC, be selected as the lowest most responsive, responsible, and qualified bidder. Staff also recommends that council authorize Staff to engage The M Mitchell Group, LLC and negotiate an Agreement to perform services identified in Scope of work and ITB for an amount not to exceed \$277,194.23.		
Funding Source (if applicable) Professional Service: 100-4100-1200		
Financial Impact (if applicable) \$277,194.23		
Financial Impact Statement Received Yes ☐ No ☒ Legislative Process Complete Yes ☐ No ☒		
Department Director Approval <i>Antonio Valenzuela</i>		Finance Director Approval <i>nina robinson</i>
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval <i>Tammi Saddler Jones</i>



CITY OF SOUTH FULTON, GEORGIA CITY COUNCIL AGENDA ITEM

SUBJECT: Recommendation to award The M Mitchell Group, LLC the contract to provide repairs to Stacks Rd over CSX Railroad - Abutment Wall Repairs and Road Drainage Improvements in an amount not to exceed \$277,194.23.

COUNCIL ACTION REQUESTED ON: April 27, 2021

PURPOSE: Staff recommends approval of The M Mitchell Group, LLC as the most responsive and responsible proponent in response to ITB 21 -004(Stacks Rd over CSX Railroad - Abutment Wall Repairs and Road Drainage Improvements).

HISTORY: ITB 21 - 004 was issued on March 1, 2021. Two (2) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of The M Mitchell Group, LLC as the most responsive and responsible vendor.

FACTS AND ISSUES: The M Mitchell Group, LLC submitted the most qualified bid as determined by the evaluation committee and the lowest bid was \$277,194.23. As the most qualified meeting all the requirement of the ITB, The M Mitchell Group, LLC represents the best value to the City.

OPTIONS/RECOMENDATIONS: Staff recommends that The M Mitchell Group, LLC, be selected as the most responsive, responsible, and qualified candidate. Staff also recommends that council authorize Staff to engage The M Mitchell Group, LLC and negotiate an Agreement for The M Mitchell Group, LLC to perform services identified in Scope of work for an amount not to exceed \$277,194.23.

REQUESTED BY: Anthony Kerr, Purchasing Manager on behalf of COSF Public Works. 

Exhibit 1
Bid Tabulation

ITB 21-004 Stacks Rd over CSX Railroad Abutment Wall Repair and Road Drainage Improvements Bid Tabulations	
COMPANY	BID TOTAL
The M Mitchell Group	\$277,194.23
Kiewit Infrastructure South Company	\$648,414.85

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to award the contract and execute an Agreement with C. W. Matthews Contracting Co., Inc. to perform TSPLOST Road Resurfacing throughout the City

DATE: April 27, 2021

SUBJECT: Request Council Approval to award the contract and execute an Agreement with C. W. Matthews Contracting Co., Inc. to perform TSPLOST Road Resurfacing throughout the City

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Road Resurfacing (PW)	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/2021		
Requesting Department Public Works		Council District(s) Affected All Districts
Requested Action Formally Select C. W. Matthews Contracting Co., Inc. for Award of the contract to construct to perform TSPLOST Road Resurfacing Throughout the City in an amount not to exceed \$15,827,366.00.		
Requirements for Council Action (City specific Council policy, statute or code requirement) ITB 21-002 TSPLOST Road Resurfacing & COSF Procurement Code. ITB 21 - 002 was issued on January 29, 2021. Five (5) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of C. W. Matthews Contracting Co., Inc., as the most responsive and responsible vendor.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) C. W. Matthews Contracting Co., Inc. submitted a bid in the amount of \$15,827,366.00. this was the lowest, most responsive and responsible bid as as determined by the evaluation committee. As the most qualified Bidder meeting all the requirement of the ITB, C. W. Matthews Contracting Co., Inc. represents the best value to the City.		
Funding Source (if applicable) ToSPLOST: 335-4100-54-1400		
Financial Impact (if applicable) NA		
Financial Impact Statement Received Yes ☐ No ☒ Legislative Process Complete Yes ☐ No ☒		
Department Director Approval <i>Antonio Valenzuela</i>		Finance Director Approval <i>nina robinson</i>
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval



CITY OF SOUTH FULTON, GEORGIA CITY COUNCIL AGENDA ITEM

SUBJECT: Recommendation to award C. W. Matthews Contracting Co., Inc.. the contract to construct a TSPLOST Road Resurfacing in an amount not to exceed \$15,827,366.00.

COUNCIL ACTION REQUESTED ON: April 27, 2021

PURPOSE: Staff recommends approval of C. W. Matthews Contracting Co., Inc., as the most responsive and responsible proponent in response to ITB 21 -002(TSPLOST Road Resurfacing).

HISTORY: ITB 21 - 002 was issued on January 29, 2021. Five (5) perspective contractors submitted bids. At minimum, bids are evaluated by a 3-member evaluation team. The process identified of C. W. Matthews Contracting Co., Inc., as the most responsive and responsible vendor.

FACTS AND ISSUES: C. W. Matthews Contracting Co., Inc. submitted the most qualified bid as determined by the evaluation committee and the lowest bid was \$15,827,366.00. As the most qualified meeting all the requirement of the ITB, C. W. Matthews Contracting Co., Inc. represents the best value to the City.

OPTIONS/RECOMENDATIONS: Staff recommends that C. W. Matthews Contracting Co., Inc., be selected as the most responsive, responsible, and qualified candidate. Staff also recommends that council authorize Staff to engage C. W. Matthews Contracting Co., Inc. and negotiate an Agreement for C. W. Matthews Contracting Co., Inc. to perform services identified in Scope of work for an amount not to exceed \$15,827,366.00.

REQUESTED BY: Anthony Kerr, Purchasing Manager on behalf of COSF Public Works. 

Exhibit 1
Bid Tabulation

ITB 21-002 TSPLOST Road Resurfacing BID TABULATION March 5, 2021	
COMPANY	BID RESULT
CW Matthews Contracting Co. Inc.	\$15,827,366.00
Baldwin Paving Co.	\$16,108,936.80
E. R. Snell Contractor, Inc.	\$17,634,804.80
HEH Paving	\$21,852,126.82
Stewart Brothers, Inc.	\$21,942,554.30

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to execute Service Authorization #2 for JAT Consulting Services, Inc. to provide guidance and assistance during the FY22 budget process

DATE: April 27, 2021

SUBJECT: Request Council Approval to execute Service Authorization #2 for JAT Consulting Services, Inc. to provide guidance and assistance during the FY22 budget process

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
JAT Consulting Service Authorization (City Manager)	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date		Requesting Department		Council District(s) Affected	
Requested Action					
Requirements for Council Action (City specific Council policy, statute or code requirement)					
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details)					
Funding Source (if applicable) Professional Service: 100-1320-52-1200					
Financial Impact (if applicable) Not to exceed \$25,000					
Financial Impact Statement Received Yes ☐ No ☐					
Legislative Process Complete Yes ☐ No ☐					
Department Director Approval				Finance Director Approval	
_____				_____	
_____				_____	
Assistant City Manager Approval		City Attorney Approval		City Manager Approval	
_____		_____		<i>Tammi Saddler Jones</i>	

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval to accept the Old National LCI Grant from ARC and commit to the required match of \$30,000

DATE: April 27, 2021

SUBJECT: Request Council Approval to accept the Old National LCI Grant from ARC and commit to the required match of \$30,000

REFERENCE:

CONCLUSION:

BACKGROUND:

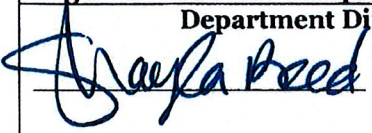
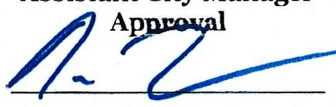
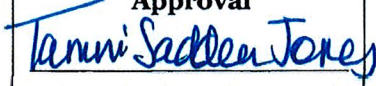
FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Old National LCI (CDRA)	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/2021	
Requesting Department CDRA/Finance	Council District(s) Affected 5,6,7 specifically
Requested Action Request Council approval to accept the Old National LCI Grant from ARC and commit to the required match of \$30,000.	
Requirements for Council Action (City specific Council policy, statute or code requirement)	
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) COSF is the recipient of a 2021 LCI Grant from ARC for the purpose of updating the Old National LCI. This project will provide a much needed and long overdue update to the existing LCI Plan. Acceptance of this Grant requires a match of \$30,000 from the City. This project will be started in 2021 and complete in 2022.	
Funding Source (if applicable) Funding has been identified as available in the City's contingency for Grant matches.	
Financial Impact (if applicable) \$30,000	
Financial Impact Statement Received Yes ☐ No ☒	
Legislative Process Complete Yes ☐ No ☒	
Department Director Approval 	Finance Director Approval  4/22/2021
Assistant City Manager Approval 	City Attorney Approval _____
City Manager Approval 	



Atlanta Regional Commission

EMBARGOED UNTIL APRIL 21, 2021

Contact:

Kate Sweeney

404-314-7863

ksweeney@atlantaregional.org

ARC's Livable Center's Initiative Awards Planning Grants to Help 11 Metro Atlanta Communities Become More Vibrant, Walkable Places

This year's projects will increase mobility options, encourage healthy lifestyles, and provide improved access to jobs and services.

(ATLANTA, April 21, 2021) – The Atlanta Regional Commission (ARC) today announced that it has awarded [Livable Centers Initiative](#) (LCI) grants to fund 11 planning studies in metro Atlanta communities.

The grants are designed to help communities become more vibrant, walkable places that offer increased mobility options, encourage healthy lifestyles, and provide improved access to jobs and services. Upon completion of the studies, communities will be eligible to apply for federal transportation funding for projects such as sidewalks, multi-use trails, and smart corridor improvements that help implement their plans. This year, ARC updated its LCI grant evaluation process to include equity among its key measures.

“As the LCI program moves into its 21st year of fostering improved quality of life for metro Atlanta’s residents, it’s critically important that we renew our attention in our planning work to addressing the systemic barriers that have prevented many communities from sharing in our region’s success over the years,” said Sam Shenbaga, Managing Director of the Community Development group at ARC. “The LCI program is dedicated to creating vibrant and inclusive communities that are geared to serve the needs of all our region’s residents.”

The LCI program was created in 1999 to allocate federal transportation dollars for planning in local town centers and employment centers. Once the plans have been created, local governments can apply for dedicated federal funding to assist in bringing their plans into reality. Recipients were selected by ARC along with a diverse committee of partner organizations and planning professionals from around the region.

2021 LCI Study Grant Recipients

NOTE: Specific grant allocations are subject to increase or decrease based on changes made by the LCI sponsor.



Atlanta Regional Commission

City of Alpharetta

Grant Amount: \$160,000

The **Alpharetta-South Main Street Creative Placemaking and Economic Strategy** will take place along South Main Street (Hwy 9), from the Town Center, south to the city limits. This plan seeks to develop opportunities for safe walking and biking while promoting transit ridership. It also aims to examine opportunities for redevelopment that promote creative placemaking and the continued success of the Downtown Alpharetta LCI.

City of Douglasville

Grant Amount: \$160,000

The **Douglasville Town Center Implementation Strategy** will update the Douglasville LCI to stitch together several existing projects to streamline them and set out plans of action, including the housing strategy work currently underway through ARC's Community Development Assistance Program, a planned town green, creative placemaking, and upgraded connections to the Northside area.

City of Grantville

Grant Amount: \$100,000

The **Grantville LCI Plan** will create a new study area within the City of Grantville, a small city on the southern border of Coweta County, as it looks to develop a transit connection to the Xpress commuter bus system and a revitalize its downtown.

Gwinnett Place Community Improvement District

Grant Amount: \$220,000

The **Gwinnett Place Mall Revitalization Strategy** will advance a bold development plan for Gwinnett Place Mall that will explore how to integrate a potential county bus rapid transit route into a planned significant expansion of the Gwinnett Place Transit Center. The Transit Center is located on mall property and set for an upgrade to become the county transit system's main hub. The LCI study's goal is to support transit, cars, and pedestrians, improving both transportation and quality of life in the area.

Sugarloaf CID

Grant Amount: \$100,000

The **Sugarloaf Transit Enhancement and Future Station Planning Study** will further examine a planned BRT station stop at Sugarloaf Mall and multimodal connection to the Infinite Energy Center. The study will also explore short-term transit enhancements at the existing Park and Ride location near Sugarloaf Mall.



Atlanta Regional Commission

City of Hampton

Grant Amount: \$80,000

The **City of Hampton King, George, and Daniel Streets Revitalization Strategy** will examine this set of streets near Downtown Hampton as the city looks to revitalize the area and improve transportation safety without displacing existing residents. This strategy will examine different so-called “missing middle” housing options that could be applied in this area.

City of South Fulton

Grant Amount: \$120,000

The **Old National Highway LCI Study Update** will explore new transportation options and develop an economic development strategy for the corridor that includes creative placemaking.

Lilburn Community Improvement District

Grant Amount: \$120,000

The **Lilburn LCI Plan Update** will focus on developing a walkable and vibrant downtown by updating its existing LCI Plan within the Old Towne Lilburn and the Downtown Development Zone to promote creative placemaking and diversity of housing options.

In 2021, ARC is piloting two new study types, focusing on (1) bus stop pedestrian safety and creative placemaking, and (2) LCI Scoping Assistance to prepare communities for a future LCI study. This year, there are three grant recipients in these areas:

Upper Westside CID

Grant Amount: \$64,000

This grant will allow the City of Atlanta’s Upper Westside CID to examine pedestrian safety and incorporate creative placemaking at existing transit stops along Huff Road and Ellsworth Industrial Boulevard.

Midtown Alliance

Grant Amount: \$80,000

With this grant, Midtown Alliance will examine pedestrian safety and incorporate creative placemaking at existing transit stops along West Peachtree and Spring Streets.

In addition, ARC staff will assist the **City of South Fulton** on visioning of elements for its future town center.

About the Livable Centers Initiative:



Atlanta Regional Commission

Created as a way to reduce vehicle miles traveled and improve air quality, ARC's Livable Centers Initiative (LCI) is a grant program that incentivizes local jurisdictions to re-envision their communities as vibrant, pedestrian-friendly places that increase mobility options, encourage healthy lifestyles, and provide easy access to jobs and services.

Since 2000, the LCI program has invested \$253 million in more than 120 communities throughout the Atlanta region, helping pay for planning studies and the construction of transportation projects, such as sidewalks and intersection improvements. The ARC board has allocated \$343 million over the next 29 years for transportation projects resulting from completed LCI studies.

LCI program goals include:

- Providing access to a variety of travel modes including transit, roadways, walking, and biking
- Encouraging mixed-income residential neighborhoods, employment, shopping, and recreation options
- Developing an outreach process that promotes the involvement of all stakeholders

To learn more about the LCI program and the impact it has had on the Atlanta region, visit atlantaregional.com/lci.

The Atlanta Regional Commission (ARC) is the official planning agency for the 10-county Atlanta Region, including Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale counties as well as the City of Atlanta and 73 other cities. The Atlanta Regional Commission serves as a catalyst for regional progress by focusing leadership, attention and planning resources on key regional issues.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of a Resolution Authorizing An Agreement with LaDawn Jones to Serve As the City's Interim Court Administrator

DATE: April 27, 2021

SUBJECT: Request Council Approval of a Resolution Authorizing An Agreement with LaDawn Jones to Serve As the City's Interim Court Administrator

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution for Interim Court Administrator Municipal Court	Cover Memo	4/22/2021

A RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, AUTHORIZING AN AGREEMENT WITH LADAWN JONES TO SERVE AS THE CITY'S INTERIM COURT ADMINISTRATOR FOR MUNICIPAL COURT OF THE CITY OF SOUTH FULTON AND FOR OTHER LAWFUL PURPOSES

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

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

WHEREAS, the City Council desires through this Resolution to authorize an Agreement for attorney LaDawn Jones to serve as the Interim Court Administrator for the City Municipal Court; and

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The Mayor, City Manager, Human Resources Director and City Attorney are hereby authorized to negotiate, draft and/or enter into an agreement with LaDawn Jones, as Interim Court Administrator, for the City Municipal Court with the term of the Agreement beginning on or about May 1, 2021 and ending on December 31, 2021 and for the commensurate and appropriate amount of compensation for the position, job duties and title of Interim Court Administrator.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or

unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes. The final version of all resolutions shall be filed with the City Clerk.

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

[signature and voting results appear on following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of a Resolution Authorizing An Agreement with Christina Sears to Serve As the City's Interim Solicitor

DATE: April 27, 2021

SUBJECT: Request Council Approval of a Resolution Authorizing An Agreement with Christina Sears to Serve As the City's Interim Solicitor

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution for Interim Solicitor Municipal Court	Cover Memo	4/22/2021

A RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, AUTHORIZING AN AGREEMENT WITH CHRISTINA SEARS TO SERVE AS THE CITY'S INTERIM SOLICITOR FOR MUNICIPAL COURT OF THE CITY OF SOUTH FULTON AND FOR OTHER LAWFUL PURPOSES

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

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

WHEREAS, the City Council desires through this Resolution to authorize an Agreement for attorney Christina Sears to serve as the Interim Solicitor for the City Municipal Court; and

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The Mayor, City Manager, Human Resources Director and City Attorney are hereby authorized to negotiate, draft and/or enter into an agreement with Christina Sears, as Interim Solicitor, for the City Municipal Court with the term of the Agreement beginning on or about May 1, 2021 and ending on December 31, 2021 and for the commensurate and appropriate amount of compensation for the position, job duties and title of Interim Solicitor.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or

unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes. The final version of all resolutions shall be filed with the City Clerk.

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

[signature and voting results appear on following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Second Reading and Request Council Approval of Amended Parking Ordinance

DATE: April 27, 2021

SUBJECT: Second Reading and Request Council Approval of Amended Parking Ordinance

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ord Amending Title 8 Parking Revised Version (CW Willis)	Cover Memo	4/22/2021
FIS - Community No Parking Zone Ordinance	Cover Memo	4/23/2021

**AN ORDINANCE AMENDING TITLE 8, TRAFFIC AND VEHICLES, OF THE CITY
CODE OF ORDINANCES; ENHANCING CITY PARKING REGULATIONS AND FOR
OTHER LAWFUL PURPOSES**

(Sponsored by Mayor Pro Tem Willis)

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

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

WHEREAS, the City Charter authorizes the City to enact rules and regulations concerning parking within the City;

WHEREAS, the City Council desires through this Ordinance to update City parking regulations within the City in protection of City residents, visitors, employees and businesses; and

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

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

Section 1. The City of South Fulton Code of Ordinances, Title 8, Traffic and Vehicles, Chapter 1, In General, is hereby amended by deleting Sec. 8-1017, No parking rules, and replacing it with a new Sec. 8-1017, No parking rules, which shall read as follows:

TITLE 8 - TRAFFIC AND VEHICLES

CHAPTER 1. -IN GENERAL

Sec. 8-1017. - No parking rules.

(a) It shall be unlawful at any time to permit any motor vehicle to stand, stop or park upon any public street, road, alley or walkway of the city in any of the following places or under any of the following conditions except in compliance with the directions of a law enforcement official or a traffic control device:

- (1) In any intersection;
- (2) In any pedestrian crosswalk;

- (3) Within 20 feet of any intersection or pedestrian crosswalk;
 - (4) At any place where the parking of the motor vehicle would block the use of a driveway;
 - (5) At any place where the standing, stopping, or parking of a motor vehicle will reduce the usable width of the street, road, alley or walkway to less than 25 feet;
 - (6) Within ten (10) feet of a driveway;
 - (7) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (8) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly posted); or
 - (9) At any place where the standing, stopping, or parking of a motor vehicle will reduce the usable width of the street, road, alley or walkway to less than 25 feet;
 - (10) On any city street without valid registration or insurance;
 - (11) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (12) Within 15 feet of a fire hydrant;
 - (13) In the area between roadways of a divided highway, including crossovers;
 - (14) In any manner that creates a traffic hazard;
 - (15) At any place where official signs prohibit parking and/or standing;
- (b) In the case that the police chief or his/her designee causes a sign to be posted at any area where parking is prohibited under the city code or state law, parking shall be prohibited under the following additional conditions except in compliance with the directions of a law enforcement official or a traffic control device:
- (1) Parking of motor vehicles between the hours of 12:00 a.m. and 6:00 a.m.; or
 - (2) At any place where the standing, stopping, or parking of a motor vehicle will reduce the usable width of the street, road, alley or walkway to less than 25 feet.

(c) Any person violating this section shall be subject to a penalty in the amount of \$25.00, in addition to impound, tow and/or another other remedy allowed by law. Each day in non-compliance shall constitute a separate violation.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this 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 Resolution.

(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 Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Section 5. The City Police Chief, and/or his designee, in conjunction with the City Attorney, shall be authorized to make forms for applications and the issuance of permits consistent with the terms of this Ordinance and as permitted by State law.

Section 6. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

[Signatures and voting results appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

MEMORANDUM

TO: Nina Robinson 

FROM: Sydnee Heidt

DATE: April 11, 2021

SUBJECT: Community No Parking Zone Ordinance

CONCLUSION

The City of South Fulton Code of Ordinances, Title 8, Traffic and Vehicles, Chapter 1, in general is hereby amended by adding a new Sec. 8-1018. In addition, the City will assess the signage, striping or related project for compliance with code.

BACKGROUND

The City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia. The City Charter authorizes the City to enact rules and regulations concerning parking within the City. Through this ordinance Council desires to update City parking regulations within the City in protection of residents, visitors, employees and businesses.

FINANCIAL IMPACT

There will be a financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations. The cost estimates will require a minimum of up to 60 days from outside contractors.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Second Reading and Request Council Approval of Proposed Changes to the False Alarm Ordinance

DATE: April 27, 2021

SUBJECT: Second Reading and Request Council Approval of Proposed Changes to the False Alarm Ordinance

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
False Alarm Ordinance Amendment (Police)	Cover Memo	4/22/2021
False Alarm Ordinance FIS 3.22.2021	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 3/23/2021		
Requesting Department Police Department	Council District(s) Affected All Districts	
Requested Action Request Approval of recommended changes to False Alarm Ordinance 2019-031.		
Requirements for Council Action (City specific Council policy, statute or code requirement) Chief of Police and staff recommends approval of proposed changes to False Alarm Ordinance 2019-031.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) In preparation for implementation of South Fulton Police False Alarm Reduction Program with CryWolf, some improvements for the ordinance were identified. The proposed amendments are being requested to make corrections, clearly outline alarm user and alarm contractor roles and clarify the verification process. Attached is a quick reference to proposed changes to the ordinance for your review and approval and well as copy of corrected ordinance with additions in yellow and deletions in red.		
Funding Source (if applicable) N/A		
Financial Impact (if applicable) N/A		
Financial Impact Statement Received Yes ☐ No ☒		
Legislative Process Complete Yes ☐ No ☐		
Department Director Approval  Keith Meadows (Feb 16, 2021 11:46 EST)		Finance Director Approval
Assistant City Manager Approval 	City Attorney Approval Vincent D. Hyman	City Manager Approval 



INTER-OFFICE MEMORANDUM

DATE: February 11, 2021

TO: Chief Keith Meadows

FROM: Major Tina Johnson 

Approved ☒ Denied ☐

Signature: 
Keith Meadows (Feb 11, 2021 20:30 EST)

SUBJECT: Proposed Amendments to False Alarm Ordinance

While reviewing the false alarm ordinance in preparation for implementation of South Fulton Police False Alarm Reduction Program, some improvements for the ordinance were identified. The proposed amendments are being requested to make corrections and clearly outline alarm user and alarm contractor roles. Below is a quick reference to proposed changes to the ordinance for your review and approval. *See attached corrected ordinance with additions in yellow and deletions in red.*

Ordinance ref page & line number	Change	Reason for Change
Pg 1 line 31	Add Alarm users and alarm contractors	Clarify ordinance applies to both parties
Pg 2 line 50	Add alarm contractors	Clarify ordinance applies to this parties as well
Pg 2 line 84	Add alarm contractors	Clarify ordinance applies to this parties as well
Pg 3 lines 114-115	Add permit year is 12-month period beginning on the day and month on which an alarm permit is issued.	Clarify term permits are valid
Pg 3 lines 126-131	Verification shall be made by means of: 1. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment; 2. Confirmation by a private guard responder at the alarm site; 3. Audible and/or visual evidence provided by a monitored alarm system, provided that such audible or visual evidence shall be made available the Police Department no more than twenty-four (24) hours after the request for and dispatch of the City's public safety department(s).	Clarify definition of what it means to verify an alarm call.
Pg 4 lines 134-136	Add obtains permit, no cost for permits or renewals. Remove wording allowing contractors to register for users.	Clarify user must register & obtain permit; no cost for permits or renewals. Remove wording to ONLY allow users to register themselves to ensure most accurate information is received.
Pg 4 lines 149-150	Add requirement to renew permits annually on anniversary date	Add requirement to renew permits annually on anniversary date
Pg 4 lines 163-165	Add 15-day time frame to update changes to require information for alarms	To provide time frame to update changes to require information for alarms
Pg 4 lines 169-170	Change Register to "Notify" alarm administrator & Add "of the existence of an Alarm System prior to the Alarm System being put into operation.	Clarify alarm contractor is to notify alarm administrator prior to installing alarms.
Pg 5 lines 182 & 189	Remove the word "Attempt"	To eliminate vagueness in responsibility to verify alarm calls prior to request for police services.
Pg 6 line 224	Add "or renew"	Clarify penalty to register or renew
Pg 6 line 229-230	Correct & change second to "third" false alarm as option to use alarm awareness training in lieu of fine. Add option can only be used once annually.	Change from second to third false alarm because there is already no fine for second false alarms

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

ORD 2019-031

7 AN ORDINANCE BY THE CITY OF SOUTH FULTON, GEORGIA, AMENDING TITLE
8 4, LAW ENFORCEMENT, OF THE CITY CODE OF ORDINANCES, ENACTING
9 REGULATIONS WITH RESPECT TO FALSE ALARMS AND FOR OTHER LAWFUL
10 PURPOSES

11
12 (Sponsored by Councilperson Rowell)

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

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

19 WHEREAS, a significant burden is placed on state and local law enforcement
20 resources due to responding to false alarm calls;

21
22 WHEREAS, the City finds that excessive false alarms unduly burden the City's
23 law enforcement resources;

24
25 WHEREAS, properly installed, monitored and operated alarm systems are
26 effective tools which can identify criminal offenses in progress, and will lead to a
27 reduction in the incidents of false alarms as well as enhance the safety of responding
28 law enforcement officers;

29
30 WHEREAS, the purpose of this ordinance is to establish reasonable standards
31 for alarm users and alarm contractors, to ensure they ~~that alarm owners~~ are held responsible for
32 the proper operation of their alarm systems; and

33 WHEREAS, this Ordinance is in the best interests of the health and general
34 welfare of the City, its residents and general public.

35
36 NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON
37 HEREBY ORDAINS as follows:

38
39 Section 1. Title 4, Law Enforcement, of the City of South Fulton Code of
40 Ordinances is hereby amended by creating a new Chapter 3, False Alarms, which shall
41 read as follows:

42
43 TITLE 4- LAW ENFORCEMENT

44 Chapter 3 - False Alarms

45 **Sec. 4-3001. - Purpose and intent.**

47
48 Given the undue burden placed on law enforcement providers by excessive false
49 alarms, this article is enacted to establish reasonable expectations for alarm users
50 and alarm contractors regarding the responsible use and operation of alarm systems.
51 The article is not intended to create new or to expand existing legal
52 obligations of the city, including specifically the City of South Fulton Police Department
53 and any of its departments, or to establish a special duty or special relationship between
54 the city and alarm users, persons who own real or personal property where an alarm
55 system is in place, and/or persons who are physically present at or in the
56 vicinity of property monitored by an alarm system.
57

58 **Sec. 4-3002. - Definitions.**

59 The following words, terms and phrases, when used in this article, shall have the
60 meanings ascribed to them in this section, except where the context clearly indicates a
61 different meaning:

62 *Alarm administrator.* The term "alarm administrator" means an employee
63 designated by the city to administer, control and review false alarm reduction efforts and
64 to administer the provisions of this article.

65 *Alarm contractor.* The term "alarm contractor" means an individual, company,
66 and/or other entity engaged in selling, leasing, installing, servicing or monitoring alarm
67 systems for profit; such individual, company, and/or entity shall be licensed in
68 compliance with city, county and state laws.

69 *Alarm permit.* The term "alarm permit" means a registration number issued by the
70 city or its designee allowing the operation of an alarm system.

71 *Alarm signal.* The term "alarm signal" means a detectable signal, audible or visual,
72 generated by an alarm system, to which law enforcement is requested to respond.

73 *Alarm system.* The term "alarm system" means any single device or assembly of
74 equipment and devices, including a local alarm, that is designed to signal the
75 occurrence of an illegal or unauthorized entry or other activity requiring immediate
76 attention and to which law enforcement is requested to respond. Motor vehicle or boat
77 alarms, fire alarms, panic alarms, or alarms designed to elicit a medical response are
78 not considered to be alarm systems under this article.

79 *Alarm user.* The term "alarm user" means any individual, sole proprietorship,
80 partnership, company, corporation, governmental, educational, nonprofit, or any other
81 entity or institution owning, leasing or operating an alarm system, or on whose premises
82 an alarm system is maintained for the protection of such premises.

83 *Alarm user awareness class.* The term "alarm user awareness class" means a class
84 conducted for the purpose of educating alarm contractors and users about the responsible
85 use, operation, and maintenance of alarm systems and the problems created by false
86 alarms.

86 *Automatic dial protection device.* The term "automatic dial protection device" means
87 an automatic dialing device or an automatic telephone dialing alarm system and shall

include any system which, upon being activated, automatically initiates to the emergency communications center a recorded message or code signal indicating a need for law enforcement response.

Cancellation. The term "cancellation" means notice from an alarm contractor (designated by the alarm user) to the emergency communications center to terminate a law enforcement response to an alarm dispatch request under circumstances where there is no situation at the alarm site requiring a law enforcement response.

City of South Fulton Police Department. The term "Police Department" means, for the purposes of this article only, the City of South Fulton Police Department ("SFPD").

Emergency communications center. The term "emergency communications center" means the Fulton County Emergency Communications (911) Center.

False alarm. The term "false alarm" means activating an alarm system for the purpose of summoning law enforcement when no burglary, robbery, trespass, unauthorized entry or other crime dangerous to life or property is being committed or attempted on the premises, unless the request for a law enforcement response is cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. The determination of whether or not a false alarm has occurred shall be made by the responding officer.

Local alarm. The term "local alarm" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and that is not monitored by a remote monitoring facility, whether installed by an alarm contractor or user.

Monitoring services. The term "monitoring services" means an alarm contractor in the business of receiving signals from an alarm system that is responsible to contact the alarm user to verify the nature of the alarm and/or to contact the emergency communication center for a law enforcement response.

Permit year. The term "permit year" means a 12-month period beginning on the day and month on which an alarm permit is issued. ~~the annual period between January 1 and December 31.~~

SIA Control Panel Standard CP-01. The term "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization are to be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

Verify. The term "verify" means an action on the part of the entity providing monitoring services, prior to requesting law enforcement dispatch, to determine whether an alarm signal is valid and caused by criminal activity. Verification shall be made by means of:

1. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment;
2. Confirmation by a private guard responder at the alarm site;
3. Audible and/or visual evidence provided by a monitored alarm system, provided that such audible or visual evidence shall be made available the Police Department no more than twenty-four (24) hours after the request for and dispatch of the City's public safety department(s).

132 **Sec. 4-3003. - Alarm registration and permit requirements.**

- 133 (a) *Registration and permit required.* Effective January 1, 2020, no alarm system shall
134 be used unless the alarm user first registers **and obtains a permit** for such alarm system
135 within seven days of its installation with the city or its designee. **There will be no charge**
136 **for the permit or to renew permits annually.** ~~For the purposes of complying with this section, an~~
~~alarm contractor may register an alarm user and thereby obtain the permit for such alarm~~
~~system; provided, however, that~~ The alarm user is ~~shall ultimately remain~~ responsible for alarm
137 registration prior to use of the alarm system. Upon registration, each alarm permit shall be
138 assigned a permit number, ~~. If the permit number is issued directly to the alarm user,~~ the user
139 shall provide the permit number to the alarm contractor to facilitate law enforcement dispatch.
- 140 (b) *Non-transferability; new registration required.* Alarm registration is not
141 transferable. Upon transfer of the possession of premises at which an alarm system
142 is maintained, the new alarm user shall register his or her alarm system within
143 seven days of the acquisition of the property or installation of a new alarm system.
- 144 (c) *Multiple alarm systems.* If an alarm user has one or more alarm systems
145 protecting two or more separate structures with different addresses and/or tenants,
146 a separate permit shall be required for each structure and/or tenant.

147 **Sec. 4-3004. - Duties of the alarm user.**

148 An alarm user shall be required to:

- 149 1) Register **and Renew annually** the alarm system in accordance with the alarm registration
150 and permit requirements under this chapter. **Alarm users shall renew permits annually by the**
151 **anniversary date of initial issued permit.**
- 152 2) Maintain the premises and the alarm system in a manner that will reduce or
153 eliminate false alarms;
- 154 3) Upon obtaining a permit number, provide that number to the alarm contractor;
- 155 4) Respond or cause a representative or other responsible party to respond to the
156 alarm system's location within 30 minutes upon notification from the emergency
157 communications center of the need to deactivate a malfunctioning alarm system;
- 158 5) Ensure that an alarm is not manually activated by the alarm user or any other
159 person for any reason other than an occurrence of an event that the alarm
160 system was intended to report;
- 161 6) Obtain a new permit if there is a change in address or ownership of a business or
162 residence.
- 163 7) Report updated information. When information required on the alarm permit application
164 changes, the alarm user shall provide correct information to the City or designee within
165 **15 days of the change.**

166 **Sec. 4-3005. - Duties of the alarm contractor.**

- 167 (a) An alarm contractor shall be required to:
- 168 1) Obtain and maintain required state and local license(s) and/or permits;
- 169 2) **Notify** the ~~Register with~~ alarm administrator or designee **of the existence of an Alarm**
170 **System prior to the Alarm System being put into operation.** Maintain current contact
information, including user permit numbers, which shall be provided to the emergency

communications center at the time of a request for law enforcement response; and

- 3) Upon request, provide to the emergency communications center the name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day and who shall be able to respond to an alarm call, when notified, within 30 minutes.

a) For all installations on or after January 1, 2020, an alarm contractor shall use only alarm control panel(s) which meets SIA Control Panel Standard CP-01.

b) Prior to activation of any alarm system, the alarm contractor must (i) provide verbal and written instructions regarding the proper operation of the alarm system to the alarm user and (ii) provide written information on how to obtain service from the alarm contractor.

(d) An alarm contractor performing monitoring services shall:

1) ~~Attempt to~~ Verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that, if the first attempt fails to reach an alarm user, the alarm contractor must make a second call to a different number in an effort to reach an alarm user who can provide proper identification and assist in determining whether an alarm signal is valid.

a. The failure of an alarm contractor, or any person or entity providing similar monitoring services, ~~to attempt~~ to verify the alarm signal will not negate the end user's responsibility for violations of **this chapter** ~~Code section 62-86~~ and any penalty or fine associated therewith.

b. Such second call for verification shall not be required in the event of a panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified by video and/or audible means.

2) Communicate any specific information that will assist law enforcement response and investigation to the emergency communications center at the time of a request for assistance.

3) Communicate a cancellation to the emergency communications center immediately upon determining that a response is unnecessary.

Sec. 4-3006. - Prohibited acts.

Effective January 1, 2020, the following acts are prohibited:

- (1) *Failure to register.* Failing to obtain, renew or maintain an alarm permit.
- (2) *False alarm.* Activating an alarm system for the purpose of summoning law enforcement when no burglary, robbery, trespass, unauthorized entry or other crime dangerous to life or property is being committed or attempted on the premises, unless the request for a law enforcement response is cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. The determination of whether or not a false alarm has occurred shall be made by the responding officer.

- (3) Installing, maintaining, or using an audible alarm system which can sound continually for more than ten minutes.
- (4) Installing, maintaining, or using an automatic dial protection device that reports, or causes to be reported, any recorded message to the emergency communications center.

Sec. 4-3007. - Enforcement.

Effective January 1, 2020, enforcement for violations of this article shall be assessed against the alarm user and carried out in accordance with this section.

- a) *Excessive false alarms/failure to register.* Alarm users shall be fined for excessive false alarms and/or failure to register during the permit year in accordance with the following civil fine schedule:

1 st & 2 nd False Alarm	No Fine
3 rd False Alarm	\$100.00
4 th False Alarm	\$150.00
5 th False Alarm	\$200.00
6 th False Alarm	\$250.00
7 th & 8 or More False Alarms	\$500.00

- b) *Civil fines.* All violations will be enforced through the assessment of civil fines in the amounts outlined above in this chapter.

- c) Failure to register **or renew** an alarm will result in a civil penalty of \$100.00.

- d) *Payment of civil fines.* All civil fines shall be paid within 30 days from the date of the invoice.

- e) *Alarm user awareness class in lieu of a fine.* The city may, in its discretion, grant the option of attending an alarm user awareness class, as defined in this chapter, in lieu of paying a fine for the **third second** false alarm. **This option may only be exercised once annually.**

- f) *Limitations on responses for excessive false alarms or nonpayment.* When an alarm user has ten or more false alarms during the permit year or when the alarm user is 60 or more days delinquent on payment of any civil fine, a law enforcement response to the alarm user's permitted location will only be initiated in response to a 911 call to the emergency communications center or upon verification by the alarm contractor or user that the alarm was set off as a result of criminal activity. Routine alarm responses by SFPD will be restored under the following circumstances:

- (1) When a user files an appeal; and

(2) The alarm user who has had ten or more false alarms during the permit year presents satisfactory proof to the alarm administrator that he has taken successful measures to correct the cause of the false alarms; and/or

(3) The city receives full payment from the alarm user who is 60 or more days delinquent on payment of any civil fine.

g) *Nonresponse status after appeal granted.* In the event the appeal is granted and service is restored, an additional false alarm shall cause the service to again enter nonresponse status. Additionally, the false alarm shall be penalized by a civil fine of \$300.00.

h) *Civil violation.* A violation of any of the provisions of this article shall be considered a civil violation and subject to a civil fine.

Sec. 4-3008. - Alarm user awareness class.

The city may create and implement alarm user awareness classes and may request the assistance of alarm contractors to assist in developing and implementing such classes. The classes shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms.

Sec. 4-3009. • Appeals.

(a) *Appeals process.* Assessments of civil penalties and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the chief of police or designee within ten days after the date of notification of the assessment of civil penalties or other enforcement decisions. The written notice of appeal shall contain the cause for the appeal and any other pertinent information relevant to the case. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decisions. The chief of police shall designate a hearing officer to hear the appeal. The hearing officer shall render a decision within five business days and give written notification of his/her decision. The hearing officer's decision may be appealed to the chief of police by filing a written notice of appeal within ten days of the decision of the hearing officer. The chief of police shall have the final decision in this matter.

(b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

Sec. 4-30010. • Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, "no response" records, applications for appeals and any other alarm records shall be held in strict confidence by all employees and/or representatives of the city. Because all alarm registration information is considered

sensitive public safety information, the same shall not be available to the public, unless otherwise required by law.

Sec. 4-30011. - Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that the response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 2. It is hereby declared to be the intention of the City Council that (a) All sections, paragraphs, sentences, clauses and phrases of this 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 Resolution .

(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 Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification , and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/o r federal law.

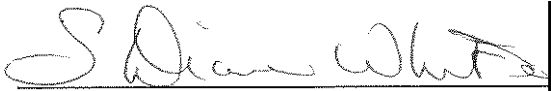
THIS ORDINANCE so adopted this 12th day of November 2019.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY



The foregoing Ordinance No. 2019-031 was moved for approval by Councilmember Rowell . The motion was seconded by Councilmember Gilyard , and being put to a vote, the result was as follows:

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

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

MEMORANDUM

TO: Nina Robinson *NR*
FROM: Sydnee Heidt
DATE: March 22, 2021
SUBJECT: False Alarm Ordinance

CONCLUSION

City Council finds developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole.

BACKGROUND

The City of South Fulton has been vested with substantial powers that include rights and functions to generally regulate the practice, conduct and or use of property for the purposes of maintaining health, morals, safety, security, peace and the general welfare of the City. Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, licenses and other development approvals where exigent circumstances.

FINANCIAL IMPACT

There will be a financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations. Cost are anticipated to be a minimum of \$25,000 based on the scope of work as required by engaging an outside consultant.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

MEMORANDUM

TO: Nina Robinson 
FROM: Sydnee Heidt
DATE: March 22, 2021
SUBJECT: False Alarm Ordinance

CONCLUSION

City Council finds that excessive false alarms unduly burden the City. Properly installed, monitored and operated alarm systems are effective tools which can identify criminal offenses in progress. It is also believed that it will lead to a reduction in the incidents of false alarms as well as enhance the safety of responding law enforcement.

BACKGROUND

The City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia. Moreover, there has been a significant burden that has been placed on state and local law enforcement as well as the fire department due to false alarm.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Second Reading and Request Council Approval of Amendments to Title 2 – Taxation of the City’s Ordinance regarding the Procedures for Denial, Suspension or Revocation of Occupation Tax Certificate

DATE: April 27, 2021

SUBJECT: Second Reading and Request Council Approval of Amendments to Title 2 – Taxation of the City’s Ordinance regarding the Procedures for Denial, Suspension or Revocation of Occupation Tax Certificate

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance Amendment to Title 2 Taxation (032321)	Cover Memo	4/22/2021
Taxation Ordinance FIS	Cover Memo	4/22/2021

**AN ORDINANCE AMENDING TITLE 2, TAXATION, AND CHAPTERS 2 THROUGH 5
BEGINNING WITH AD VALOREM TAXES AND ENDING WITH BUSINESS AND
OCCUPATION TAXES OF THE CITY CODE OR ORDINANCES REGARDING THE
PROCEDURES FOR DENIAL, SUSPENSION OR REVOCATION OF OCCUPATION
TAX CERTIFICATES AND FOR OTHER LAWFUL PURPOSES**

(Sponsored by Mayor Pro Tem Helen Z. Willis)

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

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

WHEREAS, the City shall have all powers possible for a City to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in the City's Charter - § 1.12 (a);

WHEREAS, the City shall have the power to levy and collect such other taxes as may be allowed now or in the future by law - § 1.12 (b)(41);

WHEREAS, according to Section 3.16 (a) and (b), the mayor or councilmembers may propose a new or amended ordinance;

WHEREAS, the City Council desires through this Ordinance to clarify, designate and/or change the roles and/or responsibilities as it to the procedure for denial, suspension or revocation of occupation tax certificates;

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

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

Section 1. The City of South Fulton Code of Ordinances, Title 2, Taxation, and Chapters 2 through 5 beginning with Ad Valorem Taxes and ending with Business and Occupation Taxes is hereby revised to read as follows:

Title 2 - TAXATION

CHAPTER 2 – AD VALOREM TAXES

Sec. 2-1001. - Revenue administration policy.

- (a) The city will strive to maintain a diversified and stable revenue stream to protect against short term fluctuations in any single revenue source.
- (b) The city will estimate its revenues by an objective analytical process in a prudent manner.
- (c) The city will follow a policy of paying for services with user charges where practical to reduce the reliance on taxes and other general revenue sources.
- (d) The city will seek public and private grants, contracts and other outside sources of revenues for funding projects where appropriate.
- (e) The city will establish the levels of all user charges based on an analysis of the cost of providing the service(s). User charges will be evaluated periodically.
- (f) The city shall set fees for each enterprise and internal service fund at a level that fully supports the total direct and indirect cost of the fund. The city shall not set user fees for its enterprise funds which result in extra income to be used to subsidize the services of any governmental fund.

(Ord. No. 2017-007, § 1(Ch. 1), 6-20-2017; Ord. No. 2017-021, § 5(2-1001), 9-13-2017)

CHAPTER 2. - AD VALOREM TAXES

Sec. 2-2001. - Annually set.

- (a) On or before June 30 of each year, the city council shall set the millage rate and ad valorem taxes for all real property within the city for ad valorem purposes.
- (b) The millage rate shall be 11.579 unless or until another rate is adopted by the city council.

(Ord. No. 2017-007, § 1(2-2001), 6-20-2017)

Sec. 2-2002. - Due date.

The ad valorem taxes due the city shall become due and payable between July 1 and October 15 of each year, any said taxes not paid in full by the last day specified shall, notwithstanding any existing law, be in default, and shall bear interest and penalties, now or hereafter, as provided by law for taxes which are delinquent or in default, and executions issued therefor, after December 31 of the year in which such taxes become delinquent.

(Ord. No. 2017-007, § 1(2-2003), 6-20-2017)

Sec. 2-2003. - Fines for delinquent payment.

Any person failing to return his real property, for tax purposes, on or before April 1 of each year is assessed a penalty of ten percent of the amount of taxes due the city. Said penalty is in addition to the amount of ad valorem taxes due the city and also in addition to any costs and interest and interest permitted by law. Partial payments shall not be accepted.

(Ord. No. 2017-007, § 1(2-2003), 6-20-2017)

Sec. 2-2004. - Collection of delinquent taxes.

- (a) The duty to collect by levy and sale, or otherwise, for delinquent taxes is hereby imposed upon the finance director as the city tax collector or his designee as issuing officer, and the county sheriff as execution officer. All levies of execution for delinquent taxes are in the name of the city. This duty may be contracted, by the city council, to a third party.
- (b) It is the duty of the city tax collector or his designee to comply with all provisions of state law applicable to the provision for issuing, sale and transfer of tax executions and laws governing judicial sales and to:
 - (1) Keep a file of all newspapers in which an official advertisement appears;
 - (2) Keep an execution docket in which is entered a full description of all executions;
 - (3) Maintain a book of all sales;
 - (4) Maintain an index to the sales and executions.
- (c) The city tax collector shall sign all levies, notices, advertisements, and the like in his name for the city.
- (d) Execution in the name of the city for delinquent ad valorem taxes are directed and delivered to the county sheriff, who shall enter the execution upon the docket to be kept in his office and he shall proceed to enforce the collection of the execution in the manner prescribed by law.
- (e) The city tax collector will issue all fieri facias (fi. fas.) for delinquent taxes and the county sheriff shall execute such fi. fas. Under the same procedures provided by law governing execution of such process from the superior court, or by the use of any other available legal process and remedies.

(Ord. No. 2017-007, § 1(2-2004), 6-20-2017)

Sec. 2-2005. - Assessment of property.

- (a) The Fulton County Board of Tax Assessors is hereby designated to have the responsibility for assessment and valuation of property within the city limits. The city council shall adopt the assessment and valuations made by the Fulton County Board of Tax Assessors for all property located within the city limits as may be established from year to year by the Fulton County Board of Tax Assessors.

- (b) The city council does authorize the Tax Commissioner of Fulton County to make such adjustments in the collection of individual items of tax, and to make such refunds as may be proper and necessary, by addition to or deducting from the distribution due the city at the next period of accounting, along with stated explanation of the correction.

(Ord. No. 2017-007, § 1(2-2005), 6-20-2017)

CHAPTER 3. - HOTEL AND MOTEL TAXES

Sec. 2-3001. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Guestroom means a room, lodging, or accommodation occupied or intended for occupancy by one or more occupants but does not mean a meeting room that is intended, designed, or used for meetings.

Hotel means a structure or any portion of a structure, including, but not limited to, rooming or lodging houses, inns, motels, motor hotels and courts, hotels, cabins, public or private clubs, and tourist camps, which contain guestrooms which are regularly furnished for value to the public.

Occupancy means the use or possession or the right to the use or possession of any guestroom in a hotel or the right to the use or possession of the furnishing of services or accommodations that accompany the use or possession of a guestroom in a hotel.

Occupant means any person who, for a consideration, uses or possesses or has the right to use or possess a guestroom in a hotel under any lease, concession, contract, permit, right of access, license, or other agreement.

Operator means any person operating a hotel in the city, including the owner, proprietor, lessee, sublessee, licensee, or other entity operating the premises.

Rent means the consideration received for the occupancy of a guestroom in a hotel whether received in money, property, services, or credits.

Tax means the tax imposed by this chapter.

(Ord. No. 2017-007, § 1(2-3001), 6-20-2017)

Sec. 2-3002. - Tax imposed; exceptions.

- (a) Pursuant to O.C.G.A. § 48-13-51, there is imposed, assessed, and levied, and there is paid an excise tax of eight percent of the rent for every occupancy of a guestroom in a hotel in the city.
- (b) The tax imposed by this chapter shall not apply to charges or transactions excluded or exempted from the tax by state law.

- (c) Operators collecting the hotel-motel tax imposed by this chapter shall be allowed a reimbursement, in the form of a deduction, for collecting, submitting, reporting, and paying the amount due. The rate of the deduction shall be three percent of the amount due, but only if the amount due is not delinquent at the time of payment.

(Ord. No. 2017-007, § 1(2-3002), 6-20-2017; Ord. No. 2018-039, § 1, 9-24-2018; Ord. No. 2019-017, § 1, 7-9-2019)

Sec. 2-3003. - Operator registration; certificate of authority.

- (a) Every person engaged in or about to engage in the operating as an operator of a hotel in the city shall register at city hall on a form provided by the city. The failure to register shall not relieve any person from the obligation of payment or collection of the tax.
- (b) The registration shall set forth the name under which the person transacts business or intends to transact business, the location of his place or places or business, and other information that would facilitate the collection of the tax as the city may require. The registration is signed by the owner if a natural person; in case of ownership by an association or partnership, by a member or a partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration.
- (c) The city shall, after the registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration is required for each place of business of an operator. Each certificate shall state the name and location of the business to which it is applicable and is prominently displayed therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy.
- (d) The certificates are non-assignable and nontransferable and are returned immediately to the city manager or his or her designee, upon the cessation of business at the location named or upon the sale or transfer of the business at that location.

(Ord. No. 2017-007, § 1(2-3003), 6-20-2017)

Sec. 2-3004. - Delinquent penalty.

Any operator who fails to pay the tax to the city on or before the due date shall pay a penalty of ten percent of the tax not paid plus interest on the unpaid tax at the rate of one percent per month.

(Ord. No. 2017-007, § 1(2-3004), 6-20-2017)

Sec. 2-3005. - Enforcement and administration.

- (a) The city finance officer, acting as the city tax collector, shall administer and enforce the provisions of this chapter.
- (b) The city tax collector, in conjunction with the city manager, shall have the power and authority to make reasonable rules and regulations not inconsistent with this chapter or other laws or ordinances for the administration and enforcement of the provisions of this chapter and the collection of the tax.
- (c) Every operator renting guestrooms in a hotel in the city shall keep such records, receipts, invoices, and other pertinent papers in such form as the city manager or his designee, may require.
- (d) The city tax collector or any person authorized in writing by the city manager may examine the books, papers, records, financial reports, and facilities of any operator renting guestrooms and any operator liable for the tax in order to verify the accuracy of and return made or to ascertain and determine the amount of tax which should be paid.
- (e) In administering this chapter, the city tax collector may require the filing by operators of reports relating to the rental of guestrooms.
- (f) If the city tax collector is not satisfied with the return of the tax or the amount of the tax required to be paid to the city by any person under this chapter, the finance director may compute and determine the amount required to be paid upon the basis of any information within the finance director's possession or that may come into the finance director's possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.
 - (1) *Amount.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month or any fraction of a month from the 20th day after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
 - (2) *Overpayments.* In making a determination, the finance director may offset overpayments for a period against underpayments for another period against penalties and against the interest on underpayments.
 - (3) *Penalties.*
 - a. If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of the deficiency shall be added thereto.
 - b. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade any section of this chapter or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto.
 - (4) *Notice.*
 - a. The finance director or his or her designee shall give to the operator written notice of the finance director's determination.

- b. The notice may be served personally or by mail; if by mail the service shall be addressed to the operator at the operator's address as it appears in the records of the city treasurer. For service by mail of any notice required by this chapter, the service is complete at the time of deposit in the United States post office.

- (5) *Limitations.* Time limit for mailing notice of deficiency determination. Except for fraud, intent to evade this chapter or authorized rules or regulations or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period should last expire.

(Ord. No. 2017-007, § 1(2-3005), 6-20-2017)

Sec. 2-3006. - Penalties.

Any operator or person who violates any provision of this chapter shall be guilty of a misdemeanor.

(Ord. No. 2017-007, § 1(2-3006), 6-20-2017)

Sec. 2-3007. - Exceptions.

No tax pursuant to this chapter shall be imposed upon the following:

- (a) Permanent residents.
- (b) Georgia state or local government officials or employees while traveling on official business and using guest rooms furnished for a period of one or more days.
- (c) Persons who certify they are staying in a guest room as a result of the destruction of their home or residence by fire or other casualty.
- (d) Persons using meeting rooms and other such facilities, or any rooms, lodgings, or accommodations provided without charge.

(Ord. No. 2017-007, § 1(2-3007), 6-20-2017)

CHAPTER 4. - RENTAL MOTOR VEHICLE EXCISE TAX

Sec. 2-4001. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Rental charge means the total value received by a rental motor vehicle concern for the rental or lease for 31 or fewer consecutive days of a rental motor vehicle, including

the total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel taxes or sales taxes.

Rental motor vehicle means a motor vehicle designed to carry ten or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in this state.

Rental motor vehicle concern means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

(Ord. No. 2017-007, § 1(2-4001), 6-20-2017)

Sec. 2-4002. - Authority and administration.

- (a) *Administration and enforcement.* The finance officer shall administer and enforce this chapter for the levy and collection of the tax.
- (b) *Rules and regulations.* The finance officer shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter, or other laws of the city and the State of Georgia, or the Constitution of the State of Georgia or the United States for the administration and enforcement of this chapter and the collection of the tax under this chapter.
- (c) *Records required.* Every rental motor vehicle concern subject to this chapter shall keep such records, receipts, invoices and other pertinent papers in such form as the finance officer may require. Such records shall include, but not be limited to, rental charges for rental motor vehicles and taxes collected which are related thereto. Said record is open for inspection and copying by the city manager, or his designee, during business hours.

(Ord. No. 2017-007, § 1(2-4002), 6-20-2017)

Sec. 2-4003. - Excise tax levied; exceptions.

- (a) There is hereby assessed and levied an excise tax upon each rental charge collected by any rental motor vehicle concern when such charge constitutes a taxable event for the purposes of the sales and use tax as provided for under O.C.G.A. title 48, ch. 8, art. 1 (O.C.G.A. § 48-8-1 et seq.), on any motor vehicle rental charge made in the city. The tax levied pursuant to this chapter is in the amount of three percent of the rental charge.
- (b) The council declares that the proceeds received from the excise tax levied by this chapter are to be expedited for use in public safety facilities, including pedestrian sidewalks, installation of traffic lights, street lighting for public safety purposes, and for the maintenance of such systems of traffic lights and streetlights within the territorial city limits. Proceeds received from the excise tax imposed by this chapter

may also be used for promoting industry, trade, commerce, and tourism, for the provision of convention, trade, sports, and recreational facilities.

- (c) The excise tax imposed by this chapter shall not apply to the rental charge associated with the rental or lease of a rental motor vehicle if either:
 - (1) The customer picks up the rental motor vehicle outside the State of Georgia and returns it within the State of Georgia; or
 - (2) The customer picks up the rental motor vehicle in the State of Georgia and returns it outside the State of Georgia.

(Ord. No. 2017-007, § 1(2-4003), 6-20-2017)

Sec. 2-4004. - Collection fees.

Each person collecting the excise tax authorized by this chapter shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount due is not delinquent at the time of payment. The rate of deduction shall be three percent of the amount due but only if the amount due was not delinquent at the time of payment.

(Ord. No. 2017-007, § 1(2-4004), 6-20-2017)

Sec. 2-4005. - Statements required.

- (a) On or before the 20th day of each month, the motor vehicle concern liable for the tax provided for herein shall transmit to the city a statement showing the gross rental charges and gross taxes collected by authority of this chapter for each preceding calendar month. Along with said statement, the motor vehicle concern shall submit the net taxes due for each particular month.
- (b) Failure to remit taxes by the due date shall subject the rental motor vehicle concern to a penalty of five percent of the tax then due and in addition to such penalty, interest thereon the unpaid principal amount due, computed at the rate of one percent per month.

(Ord. No. 2017-007, § 1(2-4005), 6-20-2017)

Sec. 2-4006. - Deficiency determinations.

- (a) *Determination.* If it appears that a return for excise tax or the amount of tax remitted is inaccurate or incomplete, the finance director or his or her designee may compute and determine the amount required to be paid based on any information within his or her possession or that may come into his possession. One deficiency determination may be made for the amount due for one or more monthly periods.
- (b) *Interest.* The amount of the determination made by the finance director or his or her designee shall bear interest at the rate of one percent per month or fraction thereof from the due date of the taxes found due by him or her.

(c) *Notice.*

- (1) The finance director or his or her designee shall give to the rental vehicle concern a written notice of any such determination. The notice may be made personally or by mail and if by mail the service is addressed to the operator or the of the rental motor vehicle concern at the address as the same appears in the records of the city manager or designee as provided to him by each rental motor vehicle concern.
 - (2) Service is complete when delivered by certified mail with a receipt signed by an addressee or agent addressee.
- (d) *Limitations.* Except in cases of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the period in which the amount proposed to be determined or within three years after the return was filed, whichever period shall expire last.

(Ord. No. 2017-007, § 1(2-4006), 6-20-2017)

Sec. 2-4007. - Withholding tax on sale of business.

- (a) If any rental motor vehicle concern liable for any amount under this chapter transfers or sells its business or quits the business, its successors or assigns shall withhold sufficient amounts from the purchase price to cover the amount required to be paid pursuant to this chapter until the former owner or operator of the rental motor vehicle concern produces a receipt from the city manager or designee showing that the indebtedness has been paid or a certificate stating that no amount is due.
- (b) If the purchaser of a business or rental motor vehicle concern fails to withhold from the purchase price as required herein, such purchaser is personally liable for the payment of the amount of the outstanding tax required to be withheld by him to the extent of such purchase price.

(Ord. No. 2017-007, § 1(2-4007), 6-20-2017)

Sec. 2-4008. - Penalty; expiration of tax.

- (a) In addition to the interest charges and delinquent penalties specified in this chapter any person violating any provision of this chapter shall be deemed guilty of a violation of this Code, which shall be punishable as a misdemeanor.
- (b) The tax levied by this chapter is effective on January 1, 2006, and shall continue until its permissible existence shall expire as provided by law.

(Ord. No. 2017-007, § 1(2-4008), 6-20-2017)

CHAPTER 5. - BUSINESS AND OCCUPATION TAXES^{[\[1\]](#)}

Footnotes:

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Editor's note— Ord. No. 2020-021, § 1, adopted Aug 25, 2020, repealed the former Ch. 5, §§ 2-5001—2-5010, and enacted a new Ch. 5 as set out herein. The former Ch. 5 pertained to similar subject matter and derived from Ord. No. 2017-008, § 1(2-5001—2-5011), 6-27-2017; Ord. No. 2020-004, § 1, 2-11-2020.

Sec. 2-5001. - Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative fee means a component of an occupation tax that approximates the reasonable cost of handling and processing the occupation tax.

Employee means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form W-2, but not a form I.R.S. 1099. An individual who performs work under the direction and supervision of one business or practitioner in accordance with the terms of a contract or agreement with another business that recruits such individual is an employee of the business or practitioner that issues to such individual for purposes of documenting compensation a form I.R.S. W-2.

Finance director means the city finance director and/or such person's designee.

Gross receipts.

(1) The term "gross receipts" means total revenue of the business or practitioner for the period, including, without being limited to, the following:

- a. Total income without deduction for the cost of goods sold or expenses incurred;
- b. Gain from trading in stocks, bonds, capital assets, or instruments of indebtedness;
- c. Proceeds from commissions on the sale of property, goods, or services;
- d. Proceeds from fees charged for services rendered; and
- e. Proceeds from rent, interest, royalty, or dividend income.

(2) The term "gross receipts" shall not include the following:

- a. Sales, use, or excise taxes;
- b. Sales returns, allowances, and discounts;
- c. Interorganizational sales or transfers between or among the units of a parent-subsidary controlled group of corporations, as defined by 26 USC

1563(a)(1), between or among the units of a brother-sister controlled group of corporations, as defined by 26 USC 1563(a)(2), between or among a parent corporation, wholly owned subsidiaries of such parent corporation, and any corporation in which such parent corporation or one or more of its wholly owned subsidiaries owns stock possessing at least 30 percent of the total value of shares of all classes of stock of such partially owned corporation, or between or among wholly owned partnerships or other wholly owned entities;

- d. Payments made to a subcontractor or an independent agent for services that contributed to the gross receipts in issue;
- e. Governmental and foundation grants, charitable contributions or the interest income derived from such funds, received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute 80 percent or more of the organization's receipts; and
- f. Proceeds from sales of goods or services that are delivered to or received by customers who are outside the state at the time of delivery or receipt.

License means a permit or certificate issued by the city that allows an entity to operate lawfully in the city. A license does not create any rights to operate in violation of any provision of this Code, and it may be revoked by the city council at any time. This definition applies to any license issued pursuant to this chapter.

Location or office includes any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location that is the site of personal property that is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

Occupation tax means a tax levied on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business.

Occupation tax certificate or *certificate* means a document issued by the city after the registration of a business and the full payment of any required occupation tax. A certificate does not create any rights to operate in violation of any provision of this Code and it may be denied, suspended, or revoked by the city at any time pursuant to the procedures set forth herein.

Practitioner of professions and occupants shall not include a practitioner who is an employee of a business if the business pays an occupation tax.

Regulatory fees means payments, whether designated as license fees, permit fees, or by another name, which are required by city as an exercise of its municipal power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee does not include an administrative or registration fee. Regulatory fees do not include development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development.

Registration means the application form with information about a business or the act of completing the form. As a matter of administrative convenience, registration forms may also be used for the purpose of compiling such information as deemed necessary to confirm that the type of business to be operated is permitted by the city's zoning ordinance at the location where the business is to be conducted, or any other applicable provision of the city code.

Return means all documents or forms filed with the payment of an occupation tax and/or those documents or forms, which are used to determine any underpayment or overpayment on taxes paid in any previous year.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5002. - Occupation certificate required.

- (a) All persons, firms, companies, or corporations, including limited liability companies and professional corporations, now or hereafter operating a business in the city, are hereby required to register their business or office, obtain an occupation tax certificate for their business or office, and pay the amount now or hereafter fixed as taxes and fees thereon. The owners of multifamily rental dwellings or multifamily rental units within the city that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city are subject to an occupation tax as provided in this chapter. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multifamily rental dwelling provided proper permits are obtained from the city.
- (b) The occupation tax certificate shall serve as a business license. Additional business licenses may be required as established in this chapter.
- (c) Stock or manufacturing companies or other companies, subsidiaries, agencies, district offices, branch offices, corporations or individuals, having either their business proper or their general branch offices located within the city, and either represented by the officers of the company, or any agent, for the purpose of soliciting patronage for the same, or for the transaction of any business pertaining thereto, is required to obtain an occupation tax certificate.
- (d) All licenses granted under this chapter shall expire on April 1 of each year. Licensees are required to make a new application in each year. Such application is treated as an initial application and the applicant is required to comply with all rules and regulations for the granting of licenses as if no previous license had been held.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5003. - Fee; basis.

- (a) Except as otherwise provided in this chapter, every business and practitioner subject to this chapter shall pay a tax based on the gross receipts of such business (the "occupation tax").
- (b) The gross receipts tax shall include a flat rate of \$50.00 for the first \$20,000.00 of gross revenue, and \$13.00 per employee. Gross revenues above \$20,000.00 are taxed using a fee class table based on profitability. The fee class table ranges from \$0.50 to \$2.20 per \$1,000.00 of gross revenue based on the NAICS code of the business.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5004. - Application for certificate.

- (a) It shall be the duty of each person, firm or corporation subject to this chapter to file with the department of finance on or before March 31 of each calendar year an application for registration under this chapter setting forth all activities of each business, its Standard Industrial Classification Code and/or its North American Industry Classification System Code, its estimated gross receipts for the calendar year of the registration, computation of the amount of tax due including the administrative fee and per employee tax, a copy of the profit and loss statement, a copy of its Georgia income tax return, and such other information as may be required by the director of finance to properly administer this chapter, which may include all or any of the information specified in this chapter. Any new business or practitioner shall apply and register for a new certificate within 30 days after the commencement of business.
- (b) For businesses or practitioners with more than one type of service or product, including businesses or practitioners listed under and subject to O.C.G.A. § 48-13-16, the entire gross receipts shall be classified according to the dominant service or product based upon the information provided under subsection (a) of this section.
- (c) For each business or practitioner with a location or office situated in more than one jurisdiction, including businesses or practitioners with one or more locations or offices in Georgia and one or more locations outside the state, the city shall allocate the gross receipts as follows for occupation tax purposes in accordance with the following:
 - (1) Where the business or practitioner can reasonably allocate the dollar amount of gross receipts of the business or practitioner to one or more of the locations or offices on the basis of product manufactured in that location or office or the sales or other services provided in that location or office, the county shall tax the gross receipts generated by the location or office within the city; or

- (2) Where the business or practitioner cannot reasonably allocate the dollar amount of gross receipts among multiple locations or offices, the business or practitioner shall divide the gross receipts reported to all local governments in this state by the number of locations or offices of the business or practitioner which contributed to the gross receipts reported to any local government in this state, and shall allocate an equal percentage of such gross receipts of the business or practitioner to each location or office.
 - (3) In no instance shall the sum of the portions of the total gross receipts of a business or practitioner taxed by all local governments exceed 100 percent of the total gross receipts of the business or practitioner.
 - (4) In the event of a dispute between the business or practitioner and the city as to the allocation under this section, the business or practitioner shall have the burden of proof as to the reasonableness of the allocation.
 - (5) Upon request, businesses or practitioners with a location or office situated in more than one jurisdiction shall provide to the city the following:
 - a. Financial information necessary to allocate the gross receipts of the business or practitioner; and
 - b. Information relating to the allocation of the business's or practitioner's gross receipts by other local governments.
 - (6) When the city levies an occupation tax on a business or practitioner which has locations encompassed by other jurisdictions and the other jurisdictions use different criteria for taxation, the city shall not tax any greater proportion of the gross receipts than authorized by law.
- (d) This chapter applies to each business and practitioner with no location or office within the State of Georgia, which:
- (1) Has one or more employees or agents who exert substantial efforts within the city for the purpose of soliciting business or serving customers or clients; or
 - (2) Owns personal or real property which generates income, and which is located in the city. Gross receipts of such business or practitioner for purposes of this section shall include only those gross receipts reasonably attributable to sales or services in the State of Georgia. If such business or practitioner provides to the director of finance proof of payment of a local business or occupation tax in another state which purports to tax the business's or practitioner's sales or services in the State of Georgia, the business or practitioner shall be exempt from this chapter.
- (e) Real estate brokers transacting business within the city are subject to this chapter. Real estate brokers shall be liable for tax only on gross receipts arising from transactions involving real estate located within the city. Real estate brokers shall be liable for such taxes without regard to their having a location or office in the city.
- (f) The provisions of this section may be amended from time to time by resolution of the board of commissioners for the purpose of providing for exceptions to business and occupation taxes as provided under O.C.G.A. § 48-13-10(f).

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5005. - Payment of fees; penalties; refunds.

- (a) Following the filing of the application as required under this chapter, each business or professional practitioner subject to this chapter shall remit payment in full for all taxes and fees due not later than March 31 of the year in which the application is filed. Each person, firm or corporation operating under various trade names must secure a separate occupation tax certificate for each trade name issued. In addition, a separate occupation tax certificate must be secured for each business location. If the business or practice was not in operation on January 1, the occupation tax with its associated administrative fees shall be due and payable 30 days following the commencement of business operations or activities.
- (1) The finance director or his designee shall assess penalties in the amount of the percent of the amount owed for each calendar year or portion thereof for:
 - a. Failure to pay occupation taxes and administrative fees when due;
 - b. Failure to file an application by March 31 of any calendar year, when the business or practitioner was in operation on January 1 or such calendar year; and/or
 - c. Failure to register and obtain an occupation tax certificate within 30 days of the commencement of a new business.
 - (2) Delinquent taxes and fees are subject to interest at a rate of one and one-half percent per month. Payments required by this chapter may be collected in any suit at law or in equity, or the city may cause executions to issue against the person, firm, or corporation liable for the payment. Executions may be levied and sold together with all costs thereof, by the city.
 - (3) Any person whose duty it is to register any business or practice and obtain any occupation tax certificate required under this chapter and falls to do so, or who fails to pay the occupation tax or administrative fee required by this chapter, or who makes any deliberate or substantial and material false statement on an application or provides materially false information in support of an application, shall be denied an occupation tax certificate, shall be required to surrender any existing such occupation tax certificate and shall be deemed to have no such occupation tax certificate for purposes hereof, and shall be subject to a civil fine as provided by applicable local, state or federal law.
- (b) Certificate applicants for trade names and for separate business locations shall pay the nonrefundable administrative fee imposed hereby, in addition to the tax imposed by this chapter. In the event a business ceases to operate after the issuance of an occupation tax certificate, no refund of the fee or tax shall be granted.
- (c) No business or practitioner subject to this chapter shall collect any gross receipts as defined herein unless such business or practitioner shall have applied for an occupation tax certificate and/or license as required hereunder. Upon application for an occupation tax certificate, any such business or practitioner may thereupon collect

gross receipts, including those incurred but not collected during the period prior to the application, but such business or practitioner shall be subject to the penalties of subsection (a) of this section. If the taxes and fees remain unpaid after the due date, the business or practitioner shall not collect any gross receipts as defined herein. The provisions of this chapter may be enforced by appropriate injunctive or other means allowed by law.

- (d) Practitioners of law may collect gross receipts as defined herein without applying for and obtaining an occupation tax certificate. However, practitioners of law must pay the occupation tax levied herein. Delinquent taxes and fees are subject to interest at a rate of 1½ percent per month. Any occupation tax with its associated administrative fees hereunder, shall be due and payable by March 31 of each calendar year. If the business or practice was not in operation on January 1, the occupation tax with its associated administrative fees shall be due and payable 30 days following the commencement of business pursuant to this chapter. The finance director shall assess a penalty in the amount of ten percent of the amount owed for each calendar year or portion thereof for failure to pay occupation taxes and administrative fees when due. In the event of failure to pay the occupation tax required by this chapter, the tax may be collected in any suit at law or in equity. In addition, failure to pay the occupation tax required by this chapter shall subject the person, firm, or corporation to a civil fine as provided by local, state, or federal law.
- (e) Except as provided in subsection (b) of this section, the refund of the occupation tax levied herein is governed by O.C.G.A. § 48-5-380.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5006. - Termination of business.

It shall be the duty of each business and practitioner subject to fees and occupation taxes under this chapter to return its current occupation tax certificate, together with a statement as to the date of termination of doing business or practice, to the finance director within 30 days of ceasing to do business at the licensed location.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5007. - Professional occupation tax.

- (a) Notwithstanding any other provision of this chapter, there is hereby imposed upon practitioners of medicine, osteopathy, chiropractic, podiatry, dentistry, optometry, applied psychology, veterinary, landscape architecture, land surveying, massage therapy and physiotherapy, public accounting, embalming, funeral directing, civil, mechanical, hydraulic and electrical engineering, architecture, marriage and family therapists, social workers, and professional counselors, as their entire occupation tax, one of the following, at the practitioner's election:
 - (1) The occupation tax based on gross receipts resulting from application of the other provisions of this chapter; or

- (2) \$400.00 each year, but a practitioner paying accordingly shall not be required to provide information relating to the gross receipts of such practitioner. For the purposes of this section, the term "practitioner" shall include any individual holding license to practice any of the professions specified herein regardless of whether such individual shall practice as a professional corporation or professional association.
- (b) In addition to any other documentation that may be requested or required by the city finance director, any practitioner electing to make a payment pursuant to subsection (a)(2) of this section may be required to demonstrate proof of licensure, if applicable.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5008. - Evidence of state license; state license to be displayed; city license to be applied for.

- (a) Each person or business required to obtain state licensure shall provide evidence of proper and current state licensure at the time of application for registration or filing of the occupation tax return before the occupation tax certificate may be issued.
- (b) Each person or business licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there.
- (c) Any business which is required to obtain a separate license pursuant to title 12 of the city code shall make application for same concurrently with its occupation tax certificate registration and application and/or renewal and no occupation tax certificate shall be issued by the city for businesses requiring additional licensing pursuant title 12 of the city code unless the same have been applied for concurrently and issued concurrently.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5009. - Transfer.

No certificate issued under this chapter may be transferred. Any new business or practitioner shall apply and register for a new certificate within 30 days after the commencement of business provided, however, that such application shall confer no right to operate any business which would otherwise be prohibited by any local, state or federal law.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5010. - Display of occupation tax certificate; penalties.

The certificate holder shall display the occupation tax certificate issued hereunder in a conspicuous place at the licensed location. Failure to display the occupation tax

certificate in a conspicuous location may result in a fine of \$100.00. This section does not apply to practitioners of law.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5011. - Proration of fee.

When any person or business commences business on or after July 1 in any year, the occupation tax authorized hereby shall be levied at the customary rate on the gross receipts of the business or practitioner from the commencement of the business, but the attendant administrative fee shall not be reduced.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5012. - Denial, suspension, or revocation.

(a) *Procedure for denial, suspension, or revocation:*

- (1) Each application submitted and/or certificate granted hereunder shall be subject to denial, suspension or revocation for any reason set forth in subsection (b) of this section. Within 60 days of the filing of a completed application, the finance director shall either issue an occupation tax certificate to the applicant or issue a written notice of intent to deny an occupation tax certificate for one or more reasons set forth in subsection (b) of this section. Revocation or denial of the occupation tax certificate shall result in the inability of the applicant and/or certificate holder to obtain an occupation tax certificate from the city for a term of two years from the date of such revocation and/or denial. The decision of the finance director to revoke, suspend and/or deny an occupation tax certificate shall be final unless the applicant and/or certificate holder files a notice of appeal to the City Manager or her/his designee within 30 days of the service of the City Manager's written notice of denial.
 - (2) Whenever the City Manager and/or her/his designee determines there is cause to suspend, deny or revoke an occupation tax certificate issued and/or requested hereunder, the City Manager and/or her/his designee shall serve the applicant and/or certificate holder with written notice at least 15 days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement or the charge(s) upon which the administrative hearing before the City Manager and/or her/his designee shall be held.
 - (3) The City Manager and/or her/his designee shall reach a decision on the matter before them within ten days following the close of the hearing and give written notice of said decision. The decision of the City Manager and/or her/his designee shall be final unless the applicant and/or certificate holder files a notice of appeal to the City Manager or her/his designee within 30 days of the date of service of said decision.
- (b) *Service of notices.* The service of notices to the applicant and/or certificate holder for hearings and appeals under this chapter shall be accomplished by sending such

notice to the email address provided by the applicant and/or certificate holder in their application. The service and/or filing of notices to the City Manager or her/his designee for hearings and appeals under this chapter shall be accomplished by sending such notice to the City Manager or her/his designee's official city email address. The applicant and/or certificate holder shall update their email address by sending written notice to the City Manager or her/his designee in the manner required under this section.

- (c) *Grounds for denial, suspension, or revocation.* An occupation tax certificate may be denied, suspended, or revoked upon one or more of the following grounds:
- (1) The applicant or certificate holder is guilty of fraud or deceit in the operation of such person's business or occupation;
 - (2) The applicant or certificate holder is engaged in the business or occupation under a false or unauthorized assumed name, or is impersonating another practitioner of a like or different name;
 - (3) The applicant or certificate holder is addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to such an extent he is unable to perform his duties under the business or occupation;
 - (4) The applicant or certificate holder is guilty of fraudulent, false, misleading, or deceptive advertising or practices;
 - (5) The applicant or certificate holder has been convicted of or has pled guilty or nolo contendere to any sexual offense as set out in O.C.G.A. § 16-6-1 et al., or to any offense involving the lottery, illegal possession or sale of narcotics or alcoholic beverages or possession or receiving of stolen property, within a period of five years of the filing of the application and/or issuance of the certificate. If after having been granted an occupation certificate, the applicant pleads guilty, is convicted of, or enters a plea of nolo contendere to any of the offenses listed in subsections a. through this subsection, said certificate shall be subject to suspension and revocation;
 - (6) The original application or renewal thereof, contains materially false information, or the applicant has deliberately sought to falsify information contained therein;
 - (7) The business or establishment is not authorized to operate within the city, or within the zoning district within which it is located, or is otherwise not in conformity with locational requirements of any of the city's ordinances;
 - (8) The applicant or holder has been convicted of or has pleaded guilty to any felony offense, crime of moral turpitude, misdemeanor, or violation of the city code that directly relates to the business for which the certificate is sought. In determining whether a felony, crime of moral turpitude, misdemeanor, or violation of this Code directly relates to the business for which the certificate is sought, the City Manager or her/his designee shall consider:
 - a. The nature and seriousness of such violation;
 - b. The relationship between such violation and the business for which the certificate is sought;

- c. The age of the individual at the time such violation was committed;
 - d. The length of time elapsed since such violation was committed;
 - e. The number of violations committed;
 - f. The circumstances surrounding such violation including, but not limited to, mitigating circumstances or social conditions; and
 - g. Evidence of rehabilitation and present fitness to operate the business for which the certificate is sought or held.
- (9) The business premises or business activity presents a threat to public health and safety due to the presence of dangerous conditions including, but not limited to, fire, health, and building code violations;
 - (10) The business or establishment is a threat or nuisance to public health, safety, or welfare;
 - (11) The business, applicant or establishment has been found by a court of law to have been operating unlawfully;
 - (12) Any other violation of this chapter by the business, applicant and/or business owner; or
 - (13) Violation, by the business, applicant and/or business owner, of a statute, ordinance, rule, or regulation that governs and/or relates to the operation of the business in question.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5013. - Appeal.

- (a) The city council or its designated hearing officer shall hear timely filed appeals to decisions by the City Manager or her/his designee to deny, suspend or revoke certificates and/or applications.
- (b) Any such appeal shall be subject to de novo review and shall be scheduled within 60 days following the applicant and/or certificate holder's timely filed notice of appeal.
- (c) Applicants or certificate holders shall be given written notice of the date, time, and place when the matter at issue will be heard by the city council or designated hearing officer. The applicant or certificate holder shall be afforded the opportunity to be heard and present evidence. Twenty days' notice shall be deemed reasonable.
- (d) Upon close of the public hearing, the city council or hearing officer shall reach a decision on the appeal. The decision of the city council or hearing officer shall be served upon the applicant in writing and shall be final unless the applicant or certificate holder applies to the county superior court by filing a petition for writ of certiorari within 30 days of the service of such written decision.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5014. - Certificate to be available for inspection.

The occupation tax certificate issued for any business location shall be available for inspection by the finance director upon request or during regular business hours at the licensed business location.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5015. - Inspection of records; audit.

- (a) It shall be the duty of all businesses subject to the tax and administrative fee imposed by this chapter, with the exception of those businesses and practitioners electing to proceed under Sec. 2-5004(c)(2) of this chapter, to maintain, for the three preceding calendar years, such records as will establish gross receipts and number of employees as herein defined, including but not limited to, state income tax returns, profit and loss statements prepared on a calendar year basis, and method of allocation of revenue for businesses and practitioners maintaining locations in other counties and municipalities, if applicable. Such businesses and practitioners shall also make available for inspection by the finance director all reports submitted to the sales tax unit of the state department of revenue showing sales taking place in the state and other tax returns showing gross receipts.
- (b) Lending institutions and any other organization engaged in the lending of money at interest and for a fee or commission and otherwise subject to the requirements of this article shall provide, for each lending transaction, a loan term sheet or other summary showing the amount of such loan, the interest rate thereon, and total fees, interest and commissions to be charged on such loan, assuming payment in the normal course of business.
- (c) For the purpose of ascertaining the correct amount of the occupation tax liability, all records required to be maintained by any taxpayer under this article shall be open for examination and audit at any time by the finance director. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested by the finance director, the finance director may either estimate tax due based upon such information as is made available or cite taxpayer for violation of this provision and petition the city municipal court as part of the penalty for said violation to issue a subpoena to require that the taxpayer or taxpayer's representative produce any such books, accounts and records for examination.
- (d) The finance director may conduct an audit by examining any relevant books, accounts, and records of such business.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5016. - Assessments.

- (a) If the finance director determines that any taxpayer has failed, neglected or refused to make a return and pay all taxes due, remit the proper amount of tax due or remit

taxes due pursuant to an audit, penalties and interest shall be assessed, and the finance director shall issue to the delinquent taxpayer a written notice of final determination - assessment and demand for payment, which notice shall state the full amount of taxes, penalties and interest due and shall be served personally, by certified mail or email, which assessment of deficiency amount will be due and payable within 30 days of the date that such notice is sent by the finance director.

- (b) Estimated assessment. If the finance director is unable to audit the records of a taxpayer, either due to the taxpayer's refusal or lack of cooperation, due to time constraints or due to other reasons which the finance director may reasonably determine, the finance director shall make an estimate based upon such information as may be available and shall issue an assessment as provided herein. If a taxpayer neglects or refuses to make a return, the finance director shall make an estimate, based upon such information as may be available, of the taxes due for the period for which such taxpayer is delinquent.

(Ord. No. 2020-021, § 1, 8-25-2020)

Sec. 2-5017. - Compliance inspections; notice of violation.

- (a) The Community Development and Regulatory Affairs Director and/or her/his designee may conduct inspections of any business or practitioner's establishment during normal business hours to verify compliance with this article. Upon entering an establishment, the code enforcement and/or the police department employee will present the business representative onsite at the time of inspection with proof of city credentials in the form of a picture identification card. The code enforcement and/or police department employee will verify the business has a current business occupation tax certificate on the premises, all applicable state licenses are posted, and any other required city licenses or permits are posted or otherwise available for inspection on the premises.
- (b) If any violation of this article is found or other city law or regulation, a notice of violation or an inspection form will be issued to the onsite business representative requiring the business to correct any violation within ten days following the date of such inspection. The code enforcement and/or police department personnel will perform a follow-up inspection after the date in which the violation is required to be corrected. If a violation still exists at the follow-up inspection, code enforcement and/or the police department will issue a notice of violation.

(Ord. No. 2020-021, § 1, 8-25-2020)

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this 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 Resolution.

(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.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

[Signatures and voting results appear on the following page]

THIS ORDINANCE so adopted this ___ day of March 2021. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY E. ADAMS, SR. CITY CLERK

APPROVED AS TO FORM:

VINCENT D. HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

MEMORANDUM

TO: Nina Robinson *NR*
FROM: Sydnee Heidt
DATE: March 22, 2021
SUBJECT: Taxation Ordinance

CONCLUSION

City Council desires through this Ordinance to clarify, designate and/or change the roles and/or responsibilities as it is for the procedure for denial, suspension or revocation of occupation tax certificates.

BACKGROUND

The City of South Fulton is a municipal corporation duly organized and existing under the laws of the State of Georgia. The City shall have all powers possible for a City to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in the City's Charter.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Denouncing Domestic Terrorism

DATE: April 27, 2021

SUBJECT: Request Council Approval of A Resolution Denouncing Domestic Terrorism

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution Denouncing Domestic Terrorism	Cover Memo	4/22/2021
FIS - Resolution Denouncing Domestic Terrorism	Cover Memo	4/22/2021

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

4
5 **A RESOLUTION CALLING TO STATE AND FEDERAL AUTHORITIES FOR THE**
6 **PROMPT CREATION AND STRENGTHENING OF LAWS, POLICIES AND**
7 **REGULATIONS PROTECTING AMERICANS FROM DOMESTIC TERRORISM AND**
8 **FOR OTHER LAWFUL PURPOSES**
9

10 **(Sponsored by Councilman Baker)**
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; strengthen
14

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

17 **WHEREAS**, on or about January 6, 2021 a mob of people stormed a session of
18 the U.S. Congress ("Capitol Riot") leaving five people dead, over one hundred and forty
19 people wounded and causing millions of dollars in damage to the U.S. Capitol;

20 **WHEREAS**, on or about March 2, 2021, FBI Director Christopher Wray testified
21 before the U.S. Senate Judiciary Committee labeling the Capitol Riot as "*domestic*
22 *terrorism*" and warning lawmakers of the rapidly growing threat of violent domestic
23 extremism;

24 **WHEREAS**, the FBI defines domestic terrorism as "violent, criminal acts
25 committed by individuals and/or groups to further ideological goals stemming from
26 domestic influences, such as those of a political, religious, social, racial, or environmental
27 nature."

28 **WHEREAS**, on or about March 2, 2021, the FBI Director further warned lawmakers
29 that "*Jan. 6 was not an isolated event. The problem of domestic terrorism has been*
30 *metastasizing across the country for a long time now and it's not going away anytime*
31 *soon.*"

32 **WHEREAS**, the March 2, 2021 warning of FBI Director Christopher Wray is
33 supported by numerous additional occurrences of domestic terrorism within the past three
34 years, which include:

- 35 • On or about March 16, 2021, a gunman opened fire on three Atlanta-area business
36 establishments, killing eight people, including six women of Asian descent;
- 37 • On or about August 3, 2019, a gunman in El Paso, Texas, published anti-Hispanic
38 and anti-Muslim writings before killing twenty-two people at a grocery store; and

- On or about July 28, 2019, a gunman in Gilroy, California compiled a "target list" that included religious groups, federal buildings and political parties before killing three people and wounding seventeen at a festival;
- On or about April 27, 2019, a gunman opened fire in a California synagogue shortly after publishing an anti-semantic manifesto, killing one person and wounding three others; and
- On or about October 27, 2018, a gunman opened fire in Pennsylvania synagogue after publishing an anti-semantic manifesto, killing eleven people and wounding six others;

WHEREAS, according to the Anti-Defamation League, racist, anti-semantic and anti-LGBTQ messages nearly doubled the final year of Donald Trump's presidency to an all-time record high;

WHEREAS, the FBI Director's March 2, 2021 advisement that the FBI has "been sounding the alarm on [domestic terrorism] for a number of years now" appears to have fallen on deaf ears, in that there is no federal domestic terrorism charge, no uniform federal definition for domestic terrorism, nor is there a no federal list of domestic terrorist organizations, such as there is for foreign groups;

WHEREAS, this Resolution is presented as a plea to the Georgia General Assembly, U.S. Congress and Biden Administration to promptly create and enact policies, laws and regulations addressing domestic terrorism for the protection of all Georgians and Americans; and

WHEREAS, this Resolution is in the best interests of the health, protection and general welfare of the City, U.S. and world.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The City Council hereby respectfully requests that the Georgia General Assembly, U.S. Congress and Biden Administration promptly create, enact and strengthen, policies, laws and regulations addressing domestic terrorism for the protection of all Georgians and Americans.

Section 2. Instruction to City Clerk. The City Clerk is hereby instructed to cause for this Resolution to be emailed to all members of the Georgia General Assembly, U.S. Congress and Chief of Staff for President Biden, within ten days of the Resolution's adoption.

77 **Section 3.** It is hereby declared to be the intention of the City Council that: (a) All
78 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were,
79 upon their enactment, believed by the City Council to be fully valid, enforceable and
80 constitutional.

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

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

93 **Section 4.** The city attorney and city clerk are authorized to make non-substantive
94 editing and renumbering revisions to this Resolution for proofing, codification, and
95 supplementation purposes. The final version of all resolutions shall be filed with the city
96 clerk.

97 **Section 5.** The effective date of this Resolution shall be the date of adoption, unless
98 provided otherwise by the City Charter or state and/or federal law.
99
100

The foregoing RESOLUTION No. 2021-_____, adopted on _____
was offered by Councilmember _____, who moved its approval. The motion
was seconded by Councilmember _____, and being put to a vote, the result
was as follows:

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

THIS RESOLUTION adopted this _____ day of _____ 2021. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY E. ADAMS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

EMORANDUM

TO: Nina Robinson *NR*
FROM: Sydnee Heidt
DATE: April 13, 2021
SUBJECT: Resolution Denouncing Domestic Terrorism

CONCLUSION

The City Council hereby respectfully requests that the Georgia General Assembly U.S. Congress and Biden Administration promptly create, enact and strengthen, policies, laws and regulations addressing domestic terrorism for the protection of all Georgians and Americans.

BACKGROUND

On or about January 6, 2021 a mob of people stormed a session of the U.S. Congress ("Capitol Riot") leaving five people dead, over one hundred and forty people wounded and causing millions of dollars in damage to the U.S. Capitol. On or about March 2, 2021, FBI Director Christopher Wray testified before the U.S. Senate Judiciary Committee labeling the Capitol Riot as "*domestic terrorism*" and warning lawmakers of the rapidly growing threat of violent domestic extremism.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of Resolution Establishing a 180 Day Moratorium on the Acceptance of any Rezoning Applications, Site Plans, Construction Permit Applications Related to New Developments and/or Construction of Single Family Homes Intended for Residential Purposes

DATE: April 27, 2021

SUBJECT: Request Council Approval of Resolution Establishing a 180 Day Moratorium on the Acceptance of any Rezoning Applications, Site Plans, Construction Permit Applications Related to New Developments and/or Construction of Single Family Homes Intended for Residential Purposes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Draft COSF Moratorium Residential Rental Rev 5	Cover Memo	4/22/2021

STATE OF GEORGIA
FULTON COUNTY
CITY OF SOUTH FULTON

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA ESTABLISHING A ONE-HUNDRED-EIGHTY (180) DAY MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATIONS RELATED TO THE NEW DEVELOPMENT AND/OR CONSTRUCTION OF SINGLE FAMILY HOMES INTENDED FOR RESIDENTIAL RENTAL PURPOSES, TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(Sponsors Councilwoman Gumbs and Mayor William “Bill” Edwards)

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

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof (“City Council”);

WHEREAS, the City has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of South Fulton; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, licenses and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, (2001); *Lawson v. Macon*, 214 Ga. 278 (1958); *Taylor v. Shetzen*, 212 Ga. 101 (1955); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the

public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City of South Fulton has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and City Council of the City of South Fulton have, as a part of planning, zoning and growth management, been in review of the City's Zoning Ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City of South Fulton; and

WHEREAS, the Mayor and City Council deem it important to develop a comprehensive plan which integrates all of these concerns and therefore considers this moratorium a proper exercise of its police powers; and

WHEREAS, the Mayor and City Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City of South Fulton. The Mayor and City Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and City Council of the City of South Fulton that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as

well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26 (1954); *Keio v. City of New London*, 545 U.S. 469 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic wellbeing of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and City Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

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

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of South Fulton, Georgia hereby make the following findings of fact:

(a) It appears that the City's development ordinances, Zoning Ordinance and/or Comprehensive Land Use Plan require an additional review by the City of South Fulton as they relate to buildings intended for new construction townhome residential rental and/or single family residential rental purposes;

(b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of South Fulton if the current land use regulation scheme in and for the above-described use in the City were to be utilized by property owners prior to a more thorough review;

(c) The City's ongoing revision of its code, comprehensive plan and zoning ordinances requires that a limited cessation of development and building permits, occupation tax permits, and other licenses, permits or variances, with respect to the above-described use, be enacted;

(d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for such developments, to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City; and

(e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under City of Roswell et al v. Outdoor Systems Inc., 274 Ga. 130 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

(1) There is hereby established a moratorium on the establishment of any additional buildings intended for single family residential rental purposes and the acceptance by the staff of the City of South Fulton of applications of any kind for or related to any buildings intended for new construction townhome residential rental and/or single family residential rental purposes.

(2) The duration of this extended moratorium shall be until the City adopts a revision of the City's Code of the City of South Fulton related to the above referenced uses or until 180 days has elapsed, whichever first occurs;

(3) This moratorium shall be effective as of the date of adoption of this resolution;

(4) This moratorium shall have no effect or apply to any property that is the subject of a rezoning, modification, special use permit, variance applications or upon approvals or permits previously issued or as to development plans previously filed or approved by the City prior to the effective date of this Resolution. Additionally, the provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City or for which consultations have been had with the City staff on or before the effective date of this Resolution. The effective date of this Resolution will be upon its adoption on April 27, 2021;

(5) As of the effective date of this Resolution, no applications for development or permits, or for any other purposes related to the above described use will be accepted by any agent, employee or officer of the City with respect to any property in the City of South Fulton, and any permit so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable;

(6) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63 (1985); *Meeks v. City of Buford*, 275 Ga. 585 (2002); *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Pursuant to this case, the City of South Fulton recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred: A written application, including verified supporting data, documents and

facts, may be made requesting a review by the Mayor and City Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION III.

EXEMPTION

(1) During the term of this moratorium, any person may file an application for exemption from this moratorium with the Mayor and City Council. The Mayor and City Council may grant such exemption where the proposed establishment(s) is/are deemed to be in conformity with the proposed development ordinances, proposed Zoning Ordinance and/or the proposed Comprehensive Land Use Plan that are to be considered during the term of this moratorium. The Mayor and City Council shall consider the general terms of the proposed development, the proposed use, the proposed development plans, the benefits of the proposed development to the City, and the comprehensive land use plan for the City in deciding upon a requested exemption.

(2) Should the Mayor and City Council grant such exemption, the staff of the City of South Fulton may accept an application for the proposed use. However, the grant of an exemption from this moratorium in no way confers any rights upon the applicant or the exempted plans, applications or requests.

(3) Any exemption granted by the Mayor and City Council shall not constitute final approval of such plans or requests by the City. Any granted exemption shall merely grant the City staff the ability to accept and process the subject application in accordance with all City laws.

SECTION IV.

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

(b) It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

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

(d). The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this Resolution for proofing, codification,

and supplementation purposes. The final version of all resolutions or ordinances shall be filed with the Clerk.

(e). The effective date of this Resolution shall be the date of adoption consistent with Section 3.21 of the City Charter, unless provided otherwise by applicable local, state and/or federal law.

SECTION V.

All resolutions or parts of this Resolution in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

[Signatures and voting tabulations to be inserted by City Clerk]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of a Resolution Establishing a Ninety (90) Day and/or Three (3) Month Zoning and Development Moratorium Pertaining to District 4 Overlays of Cedar Grove, Cedar Grove Agricultural and Applicable Portions South Fulton Parkway

DATE: April 27, 2021

SUBJECT: Request Council Approval of a Resolution Establishing a Ninety (90) Day and/or Three (3) Month Zoning and Development Moratorium Pertaining to District 4 Overlays of Cedar Grove, Cedar Grove Agricultural and Applicable Portions South Fulton Parkway

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution to Impose Moratorium for District 4 Overlays	Cover Memo	4/22/2021

A RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, SETTING FORTH A NINETY (90) DAY AND/OR THREE (3) MONTH ZONING AND DEVELOPMENT MORATORIUM PERTAINING TO THE DISTRICT 4 OVERLAYS OF CEDAR GROVE, CEDAR GROVE AGRICULTURAL AND APPLICABLE PORTIONS OF SOUTH FULTON PARKWAY AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilperson Gilyard)

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

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

WHEREAS, the City has been vested with the power and authority to regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace and the general welfare of the City;

WHEREAS, Georgia law recognizes that local governments are authorized to impose moratoria on zoning decisions, permits, licenses and other development approvals. See *City of Roswell, et al v. Outdoor Systems, Inc.*, 274 Ga. 130 (2001); *Lawson v. Macon*, 214 Ga. 278 (1958); *Taylor v. Shetzen*, 212 Ga. 101 (1955);

WHEREAS, the City has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive;

WHEREAS, the City Council, as a part of planning, zoning and growth management, is in the process of assessing the City's comprehensive land use plan ("Comprehensive Plan") and studying the type of development which could be anticipated within the City;

WHEREAS, the City Council deems it important to update its Comprehensive Plan which enhances safe, healthy and positive development and therefore consider this moratorium a proper exercise of its police powers;

WHEREAS, the City Council has a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; in particular, the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens including environmental protection and protection of the aesthetic quality of the City including access to air and light, and facilitation of the adequate provision of transportation, and other public requirements;

WHEREAS, the City Council finds that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well

as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well so balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26 (1954); *Kelo v. City of New London*, 545 U.S. 469 (2005);

WHEREAS, the City Council finds that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City;

WHEREAS, the City Council considers it paramount that land use regulations continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City;

WHEREAS, this moratorium is enacted as a limited measure to preserve the status quo pending review of the overlays in District Four that are included in the Zoning Code;

WHEREAS, additionally the current Comprehensive Plan includes goals to protect natural resources, and the agricultural and rural character of District Four, however, the protection requires enhancement to the physical appearance and development design controls while maintaining some of the agricultural area as agricultural only and protecting environmentally sensitive land while allowing other uses that would be compatible with the character of the area;

WHEREAS, District Four desires to review the Cedar Grove overlays to ensure that development changes, demands and the infrastructure needs of the district reflect the character of the district and the intent of the City's goal of smart growth. The review will occur during the review of the comprehensive plan;

WHEREAS, the City desires to impose a ninety (90) day and/or three (3) month moratorium as set forth herein to allow the review of the zoning code during the comprehensive plan review that is currently occurring and before additional development occurs that may be contrary to the goals of the Comprehensive Plan;

WHEREAS, completion of this process is anticipated within three months to allow the recommendations to be considered by the City Council prior to enactment of legislation on the revised map; and

WHEREAS, this moratorium is in the best interests of the health and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES
as follows:

Section 1.

FINDINGS OF FACT

In addition to the findings in the above whereas clauses, the City Council hereby makes the following findings of fact:

(a) The City's Zoning Code require an additional review by the City as it relates to District Four (4) overlays;

(b) Substantial disorder, detriment and irreparable harm would result to the City and its citizens if the current land use regulation scheme in and for the above-described use in the City were to be utilized by property owners for District Four (4) prior to a more thorough review;

The City's revision of its Zoning Code for the Cedar Grove overlays necessitates that this Resolution be enacted as set forth herein; and

(d) It is necessary and in the public interest to delay, for ninety (90) days or three (3) months, the processing of any new applications as set forth below beginning on the passage of this resolution, to ensure that the development of the same are consistent with the long-term planning objectives of the City.

Section 2.

IMPOSITION OF MORATORIUM

(a) There is hereby imposed a moratorium on the acceptance by City staff, boards and commissions ("City staff") of new applications and/or petitions for rezoning and variances with respect to property within District Four that is not connected to applications currently in process prior to this moratorium.

(b) In addition, there is hereby imposed a moratorium on the acceptance and/or processing by City staff of applications, petitions and/or requests for approval and construction of development in CUP zoned land in the Overlays in District Four from the date of the adoption of this Resolution through July 27, 2021. This paragraph does not apply to building permit applications connected to applications accepted by the City prior to the effective date of this Resolution.

This moratorium shall have no effect upon approvals or permits previously issued or as to development plans previously approved or under review by the City:

(c) The provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Resolution.

Section 3.

VESTED RIGHTS

The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63 (1985); *Meeks v. City of Buford*, 275 Ga. 585 (2002); *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning resolution and the assurances of zoning officials, he acquires vested rights and entitled to have the permit issued despite a change in the zoning resolution which would otherwise preclude the issuance of a permit." Pursuant to this case, the City recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

Section 4.

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

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

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

Section 5.

The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the city clerk.

Section 6.

The effective date of this Resolution shall be April 27, 2021, the date of adoption, unless provided otherwise by the City Charter or state and/or federal law

Section 7.

Instruction to City Clerk: The City Clerk is hereby directed to circulate a copy of this Resolution to the Director of the City Department of Community and Regulatory Affairs and contracted Zoning Consultants promptly following its adoption.

[Signatures and vote tabulations appear and be inserted by the City Clerk on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Establishing An Enterprise Fund for High School Graduations, Ceremonies

DATE: April 27, 2021

SUBJECT: Request Council Approval of A Resolution Establishing An Enterprise Fund for High School Graduations, Ceremonies

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution Establishing Enterprise Fund for WCA (Draft)	Cover Memo	4/22/2021

**A RESOLUTION BY THE CITY OF SOUTH FULTON TO ESTABLISH AN
ENTERPRISE FUND FOR HIGH SCHOOL GRADUATIONS, CEREMONIES AND
OTHER RELATED ACTIVITIES THAT OCCUR AT THE WOLF CREEK
AMPHITHEATER AND FOR OTHER LAWFUL PURPOSES**

Sponsored by Mayor Pro-Tem Helen Z. Willis

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

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

WHEREAS, according to Section 3.10A of the City of South Fulton's Charter, the City has adopted and formed a city council – city manager form of government;

WHEREAS, the City, pursuant to Section 1.12 (b)(3) of its Charter, is authorized to make appropriations and/or expenditures for the support of the government of the City for any purpose authorized by the City's Charter and authorized by the laws of the State of Georgia;

WHEREAS, the City has entered into negotiations with Fulton County, Georgia for the sale, transfer and purchase of the Wolf Creek Amphitheater;

WHEREAS, the City, on [date], finalized the purchase of the Wolf Creek Amphitheater from Fulton County, Georgia;

WHEREAS, the City is willing to allow high school graduations, ceremonies and other related activities to occur at the Wolf Creek Amphitheater for a pre-determined or negotiated dollar amount starting in May 2021;

WHEREAS, the revenue received from the collection of the fees associated with the use of Wolf Creek Amphitheater for graduation ceremonies and other school related activities as negotiated and authorized in this Resolution, together with all such other revenue derived from the operation of the City's Wolf Creek Amphitheater shall be deposited with the Finance Director and credited to the Wolf Creek Amphitheater enterprise fund and shall be used for the following purposes:

(1) The operation and maintenance of the Wolf Creek Amphitheater and incidental, and administrative expenses connected therewith;

Commented [NR1]: should this be broader scope of services to include concerts and other uses

Commented [VH2R1]: Ms. Robinson because this is CW Willis' legislation and its initial intent was for graduation that would be her call

Commented [NR3R1]: Thank you, would you as City Attorney feel it prudent to recommend a broader less limiting scope to avoid having to require a subsequent resolution

Commented [VH4R1]: Because this piece of legislation is sponsored by CW Willis I am only reviewing and commenting as to form and making sure it contains the necessary language to be legal. The expansion of the scope of the legislation would have to come from CW Willis.

Commented [NR5]: should there be language related to the budget and what the general fund will provide in the event revenue does not exceed budgets

Commented [VH6R5]: Ms. Robinson: if you have any suggested language regarding the budget and revenue I will include the same.

Commented [NR7]: @Vincent Hyman should there be a reference to the revenue covering the cost of personnel expenditures.

Commented [NR8]: should this be as specific as high school graduations or should it be broader to allow for expanded services as the operations grow

Commented [VH9]: Ms. Robinson: if you believe that this language is necessary for the enterprise fund and have some suggested language I will incorporate the same

Commented [VH10]: Ms. Robinson: because this is CW Willis legislation I did not attempt to expand the scope of this resolution, but if there is future support. It can be amended to include other types of activities.

(2) To pay debt, offset repairs, improvements, renovation and/or other costs used in connection with the operation of the Wolf Creek Amphitheater for graduations, ceremonies and other related activities;

(3) To purchase goods, supplies, equipment and/or products; and

(4) To provide funds for the necessary reserves for debt and improvements.

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The City Council hereby approves, authorizes and directs the City Manager and/or Finance Director to establish an enterprise fund for Wolf Creek Amphitheater ("WCA"). The WCA enterprise fund shall be established and defined within the City budget and accounting systems, separate and apart from the general fund and for the purpose of dedicating and protecting the funds/revenue received from graduations, ceremonies and other related activities that occur at the Wolf Creek Amphitheater.

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

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

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

Section 3. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the City Clerk.

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

[signature and voting results appear on following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance Regulating Resident-Initiated Parking Zones

DATE: April 27, 2021

SUBJECT: First Read of An Ordinance Regulating Resident-Initiated Parking Zones

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

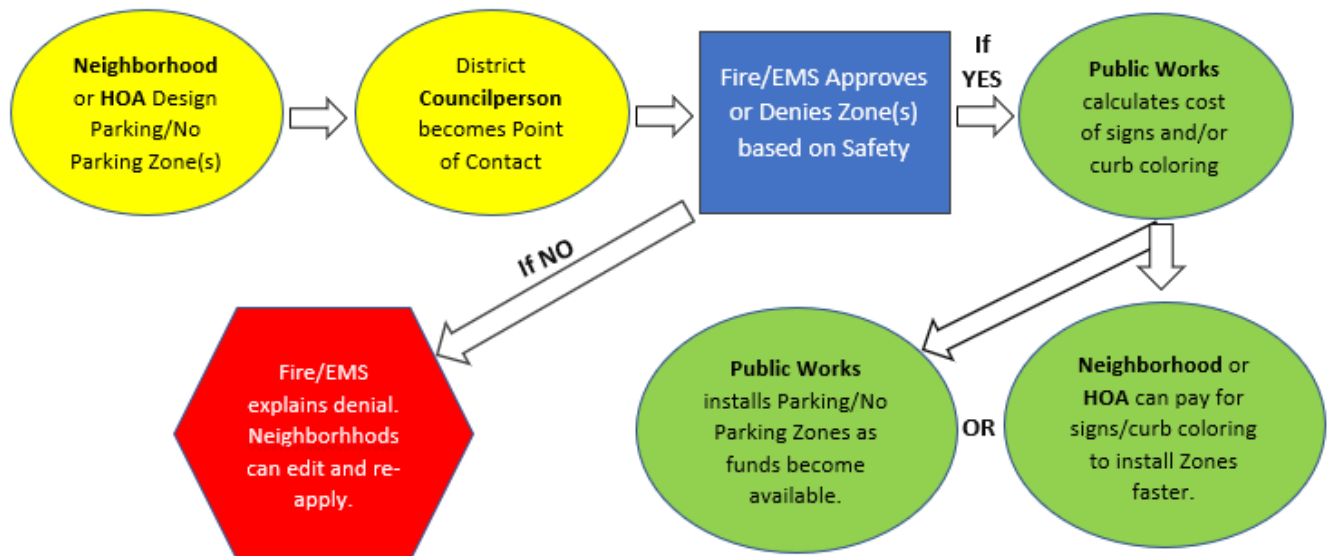
ATTACHMENTS:

Description	Type	Upload Date
Resident Initiated Parking Zones Ordinance (khalid)	Cover Memo	4/22/2021
FIS - Community No Parking Zone Ordinance	Cover Memo	4/22/2021

AN ORDINANCE REGULATING PARKING ENFORCEMENT IN RESIDENTIAL COMMUNITIES, AMENDING TITLE 8, TRAFFIC AND VEHICLES, OF THE CITY CODE OF ORDINANCES AND FOR OTHER LAWFUL PURPOSES

(Sponsored by Councilperson khalid)

Plain Text Explanation: Streets less than 21 feet wide cannot have cars parked on either side of the street. Streets 30 feet wide or wider may have parking on both sides. Streets 21-29 feet wide may have parking on one side. Neighborhoods can apply to the City to create their own rules for streets wider than 21 feet; and ask the City Public Works department to provide curb coloring and/or signage to make parking rules clear. Additionally, neighborhoods can pay for their own signage or curb coloring to speed up the process of setting up parking/no parking zones.



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

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof (“City Council”);

WHEREAS, the City Charter authorizes the City to enact rules and regulations concerning parking within the City;

WHEREAS, the City Council desires through this Ordinance to update City parking regulations within the City in protection of City residents, visitors, employees and businesses; and

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

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

Section 1. The City of South Fulton Code of Ordinances, Title 8, Traffic and Vehicles, Chapter 1, In General, is hereby amended by adding a new subsection (16) to the existing subsections (1) through (15) in Sec. 8-1017(a), No parking rules, which shall read as follows:

TITLE 8 – TRAFFIC AND VEHICLES

CHAPTER 1. – IN GENERAL

Sec. 8-1017. - No parking rules.

- (a) It shall be unlawful at any time to permit any motor vehicle to stand, stop or park upon any public street, road, alley or walkway of the city in any of the following places or under any of the following conditions except in compliance with the directions of a law enforcement official or a traffic control device:

. . .

- (16) On any public road whose width is less than twenty-one (21) feet, curb to curb.

Section 2. The City of South Fulton Code of Ordinances, Title 8, Traffic and Vehicles, Chapter 1, In General, is hereby amended by adding a new Sec. 8-1018, Community no parking zones, which shall read as follows:

TITLE 8 – TRAFFIC AND VEHICLES

CHAPTER 1. – IN GENERAL

Sec. 8-1018. – Resident Initiated Parking Rules for HOA and Non-HOA Communities

1. A home owners association (“HOA”) or Non-HOA residential community (collectively referred to as “Communities”) may make application to the City to enforce parking and no parking zones (“Parking and No Parking Zone”) on public roads within their respective communities whose width is twenty-one (21) feet or more, curb to curb. A non-HOA residential community shall be defined under this Ordinance as a residential community without an organized HOA, or with an HOA that is inactive, insolvent and/or without current board members.

(b) **Application Contents.** At a minimum the application to the City shall:

1. Clearly identify the requested boundaries of each Parking and No Parking Zone;
2. Explain the need and justification for each Parking and No Parking Zone;
3. Identify the applicant's ability to cover reasonable installation, maintenance and repair/replacement costs for Parking and No Parking Zone signs and striping, if approved by the City. The City will provide an estimate of costs upon review of the application. The applicant will have the option of determining whether to proceed upon receipt of the cost estimate. If estimated costs are not paid within thirty (30) days following approval, the requested Parking and No Parking Zone will not be implemented. A Community without funds to pay for the estimated installation and annual maintenance — as evidenced by the HOA's quarterly/annual financial statements — may request in the application for costs to be paid by the City. The implementation and enforcement of a No Parking Zone funded by the City is at the City's complete discretion, and will be subject to all reasonable factors to be taken into consideration by the city, which includes fund availability, competing priorities/projects and the nature of the request;
4. Evidence the Communities' approval for such Parking and No Parking Zone enforcement, as follows:
 - i. **For HOA communities**, a minimum of three board member's signature and title must be included within the application, along with a sworn notarized statement by a board member that notice of the HOA's intent to apply for Parking and No Parking Zone enforcement under this ordinance has been mailed to the attention of the "Owner/Occupant" of all residential properties which are adjacent to the portions of the street subject to the requested Parking and No Parking Zone;
 - ii. **Non-HOA residential communities** shall include with their application the signature, address, email and phone numbers of one tenant and/or

homeowner over the age of eighteen (18) from at least sixty (60) percent of the occupied, residential properties which are adjacent to the portions of the street subject to the requested Parking and No Parking Zone.

iii. **Additional Application Materials.** All applications shall also include:

1. Written description of each type of parking/no parking zone requested, with no more than three (3) types of zones allowed per application
2. A diagram of the parking/no parking zone(s) requested.
3. A request for at least one of the following three (3) types of notification to those in affected areas:
 - a. Colored Curbs;
 - b. Striped Parking Spaces;
 - c. Signs indicating where Parking/No Parking Zones begin and end;
 - d. Signs at all entrances to the subdivision, or at the start of the to designated No Parking Area areas in non-subdivisions which read: "You may be ticketed for parking on the street in this neighborhood. Please visit City of South Fulton, GA Municode for neighborhood parking rules."
5. Provide written assurance that the Community has at least ten (10) days prior to the filing of this application, provided written notice by email to the District Councilperson where the Parking and No Parking Zone is requested to be enforced of the Community's intent to submit an application under this ordinance.

(c) **Submission of Application:** The Community's designated representative shall email the completed application to the City Fire Marshall who shall within five (5) business days cause for the

application to be emailed to the impacted District Councilmember for notice purposes, Police Chief and Solicitor for comment, and Public Works Director for determination of estimated expenses. All reviewers shall have thirty (30) days from the Fire Marshall's forwarding of an approved application to provide feedback.

- (d) **Consideration.** The Fire Marshall shall assess provided feedback and make a determination within sixty (60) days of its receipt of a completed application as to whether to approve or deny the application. If the request is approved, the notice to the applicant representative shall include the estimate of the project cost of purchasing and installing necessary signage and striping and/or curb coloring to implement the requested Parking Zone. The Fire Marshall may extend the decision on the application in fifteen-day increments at a time for good cause, which may include additional time needed by Public Works to secure cost estimates from outside vendors.
- (e) **Local Participation.** When possible and reasonably price, the City shall make every effort to contract with vendors having offices within the City, and or owners who are City residents.
- (f) **Approval.** If approved, Public Works shall confirm a final approved diagram for the approved Parking and No Parking Zone. A Parking and No Parking Zone shall not be enforced until proper signage — paid for by the applicant or the City — is installed. Upon the payment of costs, Public Works shall promptly cause for the requisite signature and striping to be placed within the Parking and No Parking Zone.

2. Penalty. No person shall park in any area of the street where parking is prohibited by signage, striping and/or making installed under this ordinance. The penalty for violation of this subsection shall be twenty-five (\$25) for each occurrence, which may be waived at the Municipal Judge's discretion for the first occurrence. Each day shall constitute a separate violation.

3. Termination of Requested Enforcement Zone. The City reserves the right and discretion to terminate Parking and No Parking Zone enforcement under this ordinance. A Community may also cause for parking enforcement implemented under this ordinance to be discontinued by request of the HOA and/or by request of the sixty percent threshold of directly impacted homeowners and tenants authorized under this Ordinance to submit an application. No funds expended by the City to cover costs under this ordinance shall be returned.

Section 3. The phrase “Public Works Director” under this ordinance refers to the City Public Works director and/or their designee. The Public Works Director shall be authorized to make forms for No Parking Zone applications consistent with this Ordinance.

Section 4. It is hereby declared to be the intention of the City 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 Resolution.

(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 5. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 6. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Section 7. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2021-xxx was moved for approval by Councilmember _____ . The motion was seconded by Councilmember _____ , and being put to a vote, the result was as follows:

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

THIS ORDINANCE so adopted this _____ day of _____ 2021. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Saddler Jones
CITY MANAGER



Nina Robinson
Interim Finance Director

MEMORANDUM

TO: Nina Robinson 

FROM: Sydnee Heidt

DATE: April 11, 2021

SUBJECT: Community No Parking Zone Ordinance

CONCLUSION

The City of South Fulton Code of Ordinances, Title 8, Traffic and Vehicles, Chapter 1, in general is hereby amended by adding a new Sec. 8-1018. In addition, the City will assess the signage, striping or related project for compliance with code.

BACKGROUND

The City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia. The City Charter authorizes the City to enact rules and regulations concerning parking within the City. Through this ordinance Council desires to update City parking regulations within the City in protection of residents, visitors, employees and businesses.

FINANCIAL IMPACT

There will be a financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations. The cost estimates will require a minimum of up to 60 days from outside contractors.

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: First Reading of Ordinance to Amend the Fiscal Year 2020 Final Budget

DATE: April 27, 2021

SUBJECT: First Reading of Ordinance to Amend the Fiscal Year 2020 Final Budget

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Agenda Item Summary FY 2020 Final Amend	Cover Memo	4/22/2021

City of South Fulton Agenda Item Summary



City Council Meeting Date 4/27/2021		
Requesting Department Finance		Council District(s) Affected ALL
Requested Action Approve FINAL FY 2020 Budget Amendment		
Requirements for Council Action (City specific Council policy, statute or code requirement) O.C.G.A. § 36-81-3 O.C.G.A. § 36-81-3(d)		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) To amend appropriations to reflect actual activity related to FY 2020 Operations		
Funding Source (if applicable) Not applicable		
Financial Impact (if applicable) Amend FY 2020 Revenues and Expenditures appropriations		
Financial Impact Statement Received Yes ☐ No ☒ Legislative Process Complete Yes ☐ No ☒		
Department Director Approval _____ _____		Finance Director Approval Nina Robinson Digitally signed by Nina Robinson Date: 2021.02.10 10:01:57 -05'00'
Assistant City Manager Approval _____	City Attorney Approval _____	City Manager Approval <i>Tammi Saddler Jones</i>

GOVERNMENT OF THE CITY OF SOUTH FULTON

Tammi Sadler Jones
CITY MANAGER



Nina Robinson
Interim, Finance Director

MEMORANDUM

TO: Nina Robinson *nmr*

FROM: Sydnee Heidt

DATE: April 1, 2021

SUBJECT: Fiscal Year 2020 Final Budget Amendment

Overview

O.C.G.A. § 36-81-1 requires a balanced budget for the City's fiscal year, which runs from October 1st to September 30th of each year. In order to be in compliance we O.C.G.A. § 36-81-1

Department of Finance and Administrative Services recommends:

#1 Correct departmental appropriation deficiencies and overages – No Change to FY20 Budget

Finance	(1,641,622.68)
IT	(353,255.84)
Human Resources	1,206.93
CDRA	202,099.34
Transfers	1,791,572.25
Net Change	0.00

#2 Update General Fund appropriations to reflect actual activity

- a. Increase General Fund Budget to \$80,175,984
- b. Amend budgeted transfers to Other Funds from the General Fund

General Fund Balance	
General Fund Revenue	\$80,175,984
General Fund Expenditures	\$71,935,065
(Plus, updated transfers)	
Blighted Properties	\$ 200,000
E-911	\$ 1,976,323
Restricted Grants	\$ 297,742
Development Authority	\$ 16,943
Capital Grants	\$ 531,115
Capital Projects (Local + URA)	\$ 5,125,906
Sanitation	\$ 92,891
TOTAL GF EXPENDITURES	\$ 80,175,984

Actions needed:

1. Mayor and Council to approve the Ordinance to amend the 2020 Final Budget to allow the City of South Fulton to be in compliance with the ordinance requiring a balanced budget.
2. To reflect an adjustment of expense appropriations to remedy and present a budget where expenses do not exceed anticipated or actual revenue.

Revenues	FY 2020 Adopted	Changes to Amend 1	FY 2020 Amendment 5	Changes to Amend 5	FY 2020 Final Amendment 6	Funded by Revnue Source	Funded by GF
General Fund	73,821,952	(5,061,045.00)	68,760,907	11,415,077	80,175,984		
Blighted Properties	-	-	-	-	-		
Confiscated Asset	-	60,000.00	60,000	(868)	59,132		
E-911 Fund	-	-	-	-	-		
Restricted Grant Fund	4,198,722	865,880.00	5,064,602	(4,872,183)	192,419		
Hotel/Motel	240,000	-	240,000	(118,208)	121,792		
Development Authority	-	-	-	-	-		
TSPLOST	17,592,330	-	17,592,330	359,146	17,951,476		
Capital Grant Project	-	1,222,516.00	1,222,516	-	1,222,516		
Capital Project	9,499,348	1,000,000.00	10,499,348	6,520,652	17,020,000		
Solid Waste	560,000	(40,000.00)	520,000	(95,460)	424,540		
Debt Fund	-	-	-	-	-		
	105,912,352	(1,952,649)	103,959,703	13,208,157	117,167,860		
General Fund	69,193,310	(5,321,045)	63,872,265	8,062,800	71,935,065		
Older Amerian Fund	10,000	(10,000)	-	-	200,000		
Blighted Properties	-	200,000	200,000	-	200,000		
Confiscated Asset	-	60,000.00	60,000	(868)	59,132		
E-911 Fund	2,000,000	(80,000)	1,920,000	56,323	1,976,323		
Restricted Grant Fund	4,198,722	865,880	5,064,602	(4,574,441)	490,161	192,419	297,742
Hotel/Motel	240,000	-	240,000	(118,208)	121,792		
Development Authority	-	-	-	16,943	16,943		
TSPLOST	17,592,330	-	17,592,330	359,146	17,951,476		
Capital Grant Project	-	1,222,516	1,222,516	531,114	1,753,630	1,222,516	531,114
Capital Projects (Local & URA)	11,160,089	1,150,000	12,310,089	9,835,817	22,145,906	17,020,000	5,125,906
Solid Waste	560,000	(40,000)	520,000	(2,568)	517,432	424,540	92,891
Debt Service	957,901	-	957,901	(957,901)	-		
	105,912,352	(1,952,649)	103,959,703	13,208,157	117,167,860		
	-	-	-	(0)	(0)		
General Fund Balance							
General Fund Revenue	73,821,952		68,760,907		80,175,984		
GF Exp	69,193,310		63,872,265		71,935,065		
BP	-	completely funded by GF	200,000		200,000		
Older American	10,000						
e911	2,000,000	completely funded by GF	1,920,000		1,976,323		
RG	-	GF will transfer for match	-		297,742		
Dev Auth					16,943		
Cap Grant		GF will transfer for match			531,115		
Local Cap +URA	1,660,741		1,810,741		5,125,906		
Sanitation					92,891		
Debt Service	957,901		957,901				
	-		-		-		

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

4
5
6 **AN ORDINANCE TO AMEND THE FISCAL YEAR 2020 FINAL BUDGET**
7 **FOR EACH FUND OF THE CITY OF SOUTH FULTON, GEORGIA,**
8 **APPROPRIATING THE AMOUNTS SHOWING IN EACH FUND AS**
9 **EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF**
10 **REVENUE ANTICIPATIONS, PROHIBITING EXPENDITURES OR**
11 **EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE**
12 **AND FOR OTHER LAWFUL PURPOSES**
13

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

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

19 **WHEREAS**, sound governmental operations require a budget in order to plan
20 the financing of services for City residents;
21

22 **WHEREAS**, O.C.G.A. § 36-81-1 requires a balanced budget for the City's fiscal
23 year, which runs from October 1st to September 30th of each year;
24

25 **WHEREAS**, O.C.G.A. § 36-81-3 authorizes a local government to amend "its
26 budget so as to adapt to changing governmental needs during the budget period."
27

28 **WHEREAS**, Section 6.27 of the City Charter provides that "the City Council by
29 majority vote may make changes in the appropriations contained in the current
30 operating budget at any regular meeting or special or emergency meeting called for
31 such purposes;"
32

33 **WHEREAS**, the City Council has reviewed the amended budget as presented
34 by the City Manager;
35

36 **WHEREAS**, each of these funds is a balanced budget, so that anticipated
37 revenues and other financial resources for each fund equal the proposed expenditures
38 or expenses;
39

40 **WHEREAS**, the City Council wishes by this Resolution to amend its final Fiscal
41 Year 2020 annual budget (said amendment referred to herein as "Amended Final
42 Fiscal Year 2020 Budget"), effective from October 1, 2019 through September 30,
43 2020; and
44

45 **WHEREAS**, this Ordinance will benefit the health and general welfare of the
46 City, its citizens and general public.

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

Section 1. Amendment of Budget. The Amended Final Fiscal Year 2020 Budget, attached hereto and incorporated herein as a part of this ordinance, is hereby adopted as the final budget for the City for the Fiscal Year 2020, which began October 1, 2019 and ends September 30, 2020. A summary is copied below of the current Fiscal Year 2020 budget ("2020 Adopted") as compared to the Amended Final Fiscal Year 2020 Budget adopted herein:

Revenues:	FY2020 Amendment 5	FY2020 Final Amendment
General Fund	68,760,907	80,175,984
Confiscated Asset	60,000	59,132
E- 911 Fund	0	0
Restricted Grant Fund	5,064,602	192,419
Hotel/Motel Fund	240,000	121,792
TSPLOST	17,592,330	17,951,476
Capital Projects (Local + URA)	10,499,348	17,020,000
Capital Grant Fund	1,222,516	1,222,516
Solid Waste Fund	520,000	424,540
Debt Fund	0	0
Total Revenues	103,959,703	117,167,860
Expenditures:		
General Fund	63,872,265	71,935,065
Blighted Properties	200,000	200,000
Confiscated Asset	60,000	59,132
E- 911 Fund	1,920,000	1,976,323
Restricted Grant Fund	5,064,602	490,161
Hotel/Motel Fund	240,000	121,792
Development Auth.	0	16,943
TSPLOST	17,592,330	17,951,476
Capital Grant Fund	1,222,516	1,753,631
Capital Projects (Local + URA)	12,310,089	22,145,906
Solid Waste Fund	520,000	517,432
Debt Service	957,901	0
Total Expenses	103,959,703	117,167,860
Net Surplus/Deficit	\$0	\$0

- 60 1. **Appropriation.** That the several items of revenues, expenditures, other
61 financial resources, and sources of cash shown in the budget for each fund in
62 the amounts shown within the Amended Final Fiscal Year 2020 Budget are
63 hereby adopted, and that the several amounts shown in the budget for each
64 fund as proposed expenditures or expenses and uses of cash are hereby
65 appropriated to the departments named in each fund.
66
- 67 2. **Legal Level of Control.** That the “legal level of control” as defined in O.C.G.A.
68 § 36-81-2 is set at the department level, meaning that the City Manager in
69 his/her capacity is authorized to move appropriations from one line item to
70 another within a department, but under no circumstances may expenditures or
71 expenses exceed the amount appropriated for a department without a further
72 budget amendment approved by the City Council.
73
- 74 3. **Expiration of Appropriations.** That all appropriations shall lapse at the end of
75 the fiscal year.
76

77 *****
78

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

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

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

95 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly
96 repealed.

97 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized
98 to make non-substantive formatting and renumbering edits to this ordinance for
99 proofing, codification, and supplementation purposes. The final version of all
100 ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

THIS **ORDINANCE** adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

Corey Adams, CITY CLERK

APPROVED AS TO FORM:

Vincent Hyman, CITY ATTORNEY

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The foregoing **ORDINANCE No. 2020-xxx** was adopted on _____
was moved for approval by Councilmember _____ and seconded by
Councilmember _____, and being put to a vote, the result was
as follows:

“FIRST READING”

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