

CITY OF SOUTH FULTON, GEORGIA
REGULAR COUNCIL MEETING - SOUTHWEST ARTS CENTER
Tuesday, February 22, 2022, 4:00 PM



The Honorable khalid kamau, 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 Jaceey Sebastian, District 4 Councilmember
The Honorable Corey A. Reeves, District 5 Councilmember
The Honorable Natasha Williams, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR COUNCIL MEETING AGENDA

- I. 4:00 pm - Invocation - Pastor Warren L. Henry, Sr., City Chaplain
- II. 4:03 pm - Roll Call
- III. 4:05 pm - Meeting Called to Order - Mayor khalid (*Times are estimates only)
- IV. 4:07 pm - Adoption of Council Agenda
- V. 4:20 pm - Approval of City Council Meeting Minutes
 - 1. Request Council Approval of City Council Regular Meeting Minutes from January 25, 2022 (City Clerk)
 - 2. Request Council Approval of City Council Work Session Minutes from February 8, 2022 (City Clerk)
 - 3. Request Council Approval of City Council Zoning Public Hearing Minutes from February 8, 2022 (City Clerk)
- VI. 4:25 pm - Consent Agenda Items (Items considered together with one motion and vote)

4. Mayor/Council Proclamations for Spreading on the Minutes:
 Pamela Freeman Day (**Councilmembers Rowell and Willis**)
 Kevin Cole Appreciation Day (**Councilmembers Rowell and Sebastian**)
 Young Dolph and Mia Jaye Appreciation Day (**Councilmember Baker**)
 James Prince Appreciation Day (**Councilmember Baker**)
 William T. Robie, Sr. Day (**Mayor and Full Council**)
 Rev. Dr. Henry L. Mason, Sr. Day (**Mayor and Full Council**)
 Larry M. Dingle Day (**Mayor and Full Council**)
 Gale Green Romans Day (**Mayor and Full Council**)
 Pastor Wendy Smith-Martin Day (**Mayor Pro Tem Reeves**)
5. Request Council Approval Of A Resolution Proclaiming The Month Of March As Black Business Month In The City, And For Other Lawful Purposes (**Sponsored by Councilmember Gumbs**)
6. Request Council Approval of A Resolution Authorizing The City To Participate In A Grant Application For A Livable Centers Initiative Study For Roosevelt Highway; To Provide Local Matching Funds In The Amount Of Forty Thousand Forty-Nine Dollars And Zero Cents (\$40,049.00); And Other Lawful Purposes
7. Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Livable Centers Initiative Study Update for Sandtown for the City of South Fulton and for other lawful purposes with a required match of \$20,000 to be paid from the Community Development budget (**Community Development**)
8. Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Community Development Assistance Program Study to conduct a housing study for the City of South Fulton and for other lawful purposes with a required match of \$10,000 to be paid from the Community Development budget (**Community Development**)
9. Request Council Approval of A Resolution By The City Of South Fulton, Georgia, Authorizing The Mayor Or His Designee To Execute An Agreement With Stonewall Tell Home Builder, Inc., For The Purpose Of Accepting Funds For Right-Of-Way Improvements And Intersection Realignment At The Intersection Of Stonewall Tell Road And Campbellton Road On Behalf Of The Public Works Department; All Funds Received To Be Deposited Into The Public Works Department Budget; And For Other Purposes. (Amount of \$418,319.72) (**Community Development**)

VII. 4:35 pm - Rezoning, Variance and Modification Cases (For Motion and Vote - Public Hearing held on February 8)

10. 4:35 PM - U21-006: Council to consider a special use permit for a nail salon at 3220 Butner Rd. Suite 136 (**District 2**)
11. 4:50 PM - **U21-007**: Council to consider a special use permit for Cosmetology salon suites. 7580 Springbox Drive (**District 4**) (**Item deferred from January 25, 2022 Meeting**)

12. 5:00 PM - **M21-007 and CV21-007:** Council to consider a modification to allow 144 townhomes instead of the previously approved 114-unit townhomes, to reduce the minimum heated floor area from 2,000 square feet to 1800 square feet, and to revise the traffic conditions. Council to consider a concurrent variance to remove portions of the berm required by the Sandtown Overlay. 0 Campbellton Rd. **(District 1) (Item deferred from the December 14, 2021 and January 25, 2022 Meeting)**

VIII. 5:10 pm -Agenda Items - Part One

13. 5:10 PM - Request Council Approval Of A Resolution To Rename Stonewall Tell Road In The Cities Of South Fulton And Union City To Bill Edwards Drive
(Sponsored by Mayor khalid)
14. 5:25 PM - First Read of An Ordinance To Amend The City Of South Fulton's Charter Article III, Organization Of Government, Selection Of Mayor Pro Tempore, Section 3.29; Article III, Organization Of Government, Election Of Mayor Pro Tempore, Section 3.11(b) And For Other Lawful Purposes
(Sponsored by Mayor khalid)
15. 5:30 PM - First Reading of An Ordinance To Amend Section 8 Of Title 14 Of The City Of South Fulton Code Of Ordinances Known As The City Of South Fulton Tree Planting Program, For The Purpose Of Amending The Regulations For Use Of Tree Funds; And For Other Lawful Purposes.
(Sponsored by Councilmember Rowell)
16. 5:35 PM - Second Read and Request Council Approval of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers And For Other Lawful Purposes
(Sponsored by Councilmember Willis, Councilmember Gumbs, Councilmember Sebastian, Councilmember Williams)
17. 5:40 PM - First Read Of An Ordinance To Amend Title 13 Fire Protection And Prevention, Chapter 1 Purpose And Administration, Section 13-1003 Fire Chief Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 13-1003 (B) To Provide Authorization For The Fire Chief To Administer Oath Of Office To Firefighters Of All Ranks; And For Other Lawful Purposes.
(Sponsored by Councilmembers Willis, Gumbs, Sebastian and Williams)
18. 5:45 PM - First Read of An Ordinance To Amend Title 6, Health And Sanitation, Chapter 5, Abandoned Shopping Carts, Of The City Of South Fulton Code Of Ordinances To Amend Regulations For The Removal Of Abandoned Shopping Carts; And For Other Purposes.
(Sponsored by Councilmembers Williams, Reeves and Rowell)

19. 5:50 PM - Request Council Approval of A Resolution To Direct The City Manager To Conduct A Feasibility Study To Determine How Best To Establish A Contract Compliance Program; And For Other Purposes **(Sponsored by Councilmember Reeves, Councilmember Rowell)**
20. 6:05 PM - First Read of An Ordinance To Promote Transparency In The City's Procurement Process, Ensure Accountability And Fair Competition, And For Other Lawful Purposes. **(Sponsored by Councilmember Rowell and Councilmember Reeves)**
21. 6:15 PM - Request Council Approval of A Resolution To Authorize The Execution Of One Or More Lease Supplements For a Lease Under The GMA Direct Leasing Program (Supplemental Resolution for financing a 2020 Rosenbauer fire engine thru Georgia Municipal Association (GMA) at 2.11% for 7-years for an annual payment of \$83,789.61 and total cost of \$540,000 - Financing approved at December 14, 2021 Council Meeting) **(Fire)**
22. 6:25 PM - Request Council approval to finance a new Sutphen Heavy-Duty 108' Rear-Mount Aerial Ladder through Tax-Exempt Leasing Corp at 2.27% for 7-years with an annual payment of \$173,286.83 and total cost of \$1,109,962.00 utilizing funds in the Fire department's capital budget **(Fire)**
23. 6:35 PM - Request Council approval authorizing the Mayor and other City Officials as required to sign a Project Framework Agreement (PFA) between the City of South Fulton and Georgia Department of Transportation (GDOT) for T277 (Cochran Road over Camp Creek Bridge Replacement). The PFA is required for the project since it is receiving federal funds. The PFA will need to be fully executed before the City can invoice and request reimbursements from GDOT. The overall cost of the project is \$3,184,665. The authorized funding for the design phase is \$457,802. The city is responsible for the local match, 20% (\$11,450) of which has been budgeted. **(Public Works)**

IX. 6:45 pm - Intermission - Executive Session (as needed)

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

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

X. 7:00 pm - 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.

XI. 7:30 pm -Agenda Items - Part Two

24. 7:30 PM - Request Council Approval Of A Resolution Amending The City Human Resources Policies And Procedures Manual; And For Other Lawful Purposes.
 1. Performance Evaluation Tool for City Manager. Attorney, Judge
 2. Performance Evaluation Tool for City Council

25. 7:55 PM - First Read of An Ordinance To Amend Title 1, Administration, Chapter 6, Municipal Employees, Of The Code Of Ordinances, City Of South Fulton, GA To Add Section 2-6010 Healthy Workplace And For Other Lawful Purposes.
(Sponsored by Councilmembers Williams, and Rowell, Sebastian, Reeves)
26. 8:00 PM - Request Council Approval Of A Resolution To Amend The City's Holiday Schedule To Recognize KWANZAA (December 26 - January 1) As An Official City Holiday And For Other Lawful Purposes
(Sponsored by Mayor khalid and Councilman Mark Baker)
27. 8:05 PM - Request Council Approval Of A Resolution To Amend The City's Holiday Schedule And Human Resources Manual To Recognize Summer Fridays (May Through August) And A Summer Break The First Full Week Of July As Wellness Days And For Other Lawful Purposes. **(Sponsored by Mayor khalid)**
28. 8:10 PM - Request Council Approval of A Resolution Offering A One-Time, \$2,500 American Rescue Plan (ARP) Bonus To All Well and High-Performing City Of South Fulton Employees
(Sponsored by Mayor khalid)
29. 8:20 PM - Council Consideration of Override of the Mayor's Veto of Council's approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months (Approved on January 25, 2022)
30. 8:30 PM - First Read of An Ordinance Amending Title 15, Criminal Offenses, Chapter 1, In General, Of The City Code, Pardoning Certain Charges Under Sec. 15-1006(A) For The Possession Of One Ounce Or Less Of Marijuana, Alleviating The Public Burden Of Future Charges Under Sec. 15-1006(A) For The Possession Of One Ounce Or Less Of Marijuana And For Other Lawful Purposes. **(Sponsored by Councilperson Mark Baker)**
31. 8:45 PM - Council Consideration of Override of the Mayor's Veto (In Part) of Council's approval of A Resolution To Express Disapproval Of Mayor khalid kamau's Recent Actions That Interfere, Disrupt and Violate The City's Charter Regarding Role Delineation Between The City Council And Mayor And For Other Lawful Purposes
(Sponsored by Councilmembers Rowell, Gumbs, Willis, Sebastian, Reeves and Williams) (Approved on January 6, 2022)
32. 9:00 PM - An Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date And For Other Lawful Purposes.
(Sponsored by Councilmember Catherine Rowell)

XII. 9:15 pm - Council Comments

XIII. 9:30 pm - Adjournment of Meeting

33. **THEMES for UPCOMING MEETINGS**

MARCH

Planning, Zoning and Community Development

APRIL

Mid-Year Budget Amendment and Parks/Recreation

MAY

Public Works and Sanitation

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Regular Meeting Minutes from January 25, 2022

DATE: February 22, 2022

SUBJECT: Request Council Approval of City Council Regular Meeting Minutes from January 25, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_2022_1_25_Meeting(430) (1)	Cover Memo	2/19/2022

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - REGULAR COUNCIL MEETING
Tuesday, January 25, 2022, 4:00 PM



REGULAR MEETING MINUTES

I. Meeting Called to Order

Minutes:

The meeting was called to order by Mayor khalid kamau 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
khalid kamau	Mayor	Present	4:02 PM
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jaceey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

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

II. Invocation - Pastor Warren L. Henry, Sr., City Chaplain

Minutes:

The invocation was rendered by Pastor Warren Henry, Chaplain and the pledge of allegiance was recited.

Mayor khalid requested a moment of silence in memory of Mrs. Pamela Freeman.

III. Adoption of Council Agenda

Motion (Approve): Councilmember Rowell

Second: Councilmember Baker

[Motion Not Carried]

Yea: 0

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Council Agenda.

The motion was not carried.

Minutes:

Councilmember Willis requested to add two items to the Council agenda for action: 1) Request Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months and 2) First Read of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers.

Councilmember Sebastian requested that agenda items 10 and 14 be removed from the Consent Agenda and added to the Regular Agenda for discussion.

The City Clerk advised that the following appointments were submitted and should be considered with the other board and commission appointments listed under item 8:

Councilmember Gumbs appoints the following citizens:

Board of Code Enforcement: Sam Bowen

Board of Ethics: Eric Johnson, II, Esq.

Environmental Committee: Antionette Edwards

Historic and Cultural Landmarks Commission: Cybil Talley

Parks and Recreation Advisory Board: Wanda Ibadapo

Planning Commission: Keith Perry

Public Arts Commission: Ashley Ruffin Daramola

Zoning Board of Appeals: Sonya Patterson

Public Buildings Naming/Renaming Committee: Brenda Pope

Street Renaming Committee: Corro'll Driskell

Municipal Court Chief Judge Michael Sheridan appoints Ms. Veronica L. Richardson, Esq. to the Board of Ethics.

Mayor khalid advised that each item to amend the agenda will be considered and voted upon separately.

Motion (Amend): Jaceey Sebastian
Second: Councilmember Rowell
[Motion Approved]

Yea: 6 Baker, Gumbs, Rowell, Sebastian, Williams, Willis
Nay: 1 Reeves
Abstain: 0
Not Voting: 0

Minutes:

A motion was made by Councilmember Sebastian to remove agenda items 10 and 14 from the Consent Agenda and add them to the Regular Agenda for discussion.

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

Motion (Amend): Councilmember Rowell
Second: Councilmember Willis
[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve the addition of the appointments as read by the City Clerk.

The motion was approved unanimously.

Minutes:

A motion was made by Councilmember Willis to add two items to the Council agenda for action:
1) Request Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months and
2) First Read of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers.

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

Motion (Authorize): Councilmember Willis
Second: Natasha Williams
[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0

Not Voting: 0

Minutes:

A motion was made to appeal and overrule the ruling of the Mayor and to authorize the Police Chief to make a statement.

The motion was approved unanimously.

IV. Approval of City Council Meeting Minutes

Motion (Approve): Councilmember Gumbs

Second: Councilmember Willis

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

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

Regular Meeting from November 9, 2021, December 14, 2021

Work Session Meeting from November 9, 2021, December 14, 2021, January 11, 2022

Zoning Public Hearing from November 9, 2021, December 14, 2021, January 11, 2022

Special Called Meeting from November 15, 2021, December 21, 2021, December 30, 2021, January 6, 2022

The motion was approved unanimously.

1. Request Council Approval of of the following City Council Regular Meeting Minutes:
November 9, 2021
December 14, 2021
2. Request Council Approval of the following City Council Work Session Minutes:
November 9, 2021
December 14, 2021
January 11, 2022
3. Request Council Approval of the following City Council Zoning Public Hearing Minutes:
November 9, 2021
December 14, 2021
January 11, 2022

4. Request Council Approval of the following City Council Special Called Meeting Minutes:
November 15, 2021
December 21, 2021
December 30, 2021
January 6, 2022

V. Swearing-In of Michael Sheridan, Chief Judge, City of South Fulton Municipal Court

Minutes:

Mayor khalid kamau administered the oath of office to Judge Michael Sheridan.

VI. Rezoning, Variance and Modification Cases (For Motion and Vote)

5. **M21-007 and CV21-007:** Council to consider a modification to allow 144 townhomes instead of the previously approved 114 townhomes, to reduce the minimum heated floor area from 2000 square feet to 1800 square feet, and to revise the traffic conditions. Council to consider a concurrent variance to remove portions of the berm required by the Sandtown Overlay. 0 Campbellton Rd. **(District 1) (Item deferred from the December 14, 2021 Meeting)**

Motion (Defer): Councilmember Rowell

Second: Councilmember Willis

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to defer case number M21-007 and CV21-007 until the next Regular Council Meeting.

The motion to defer was approved unanimously.

6. **U21-007:** Request for special use permit for Cosmetology salon suites. 7580 Springbox Drive **(District 4)**

Motion (Defer): Jacey Sebastian

Second: Councilmember Willis

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to defer case number U21-007 until the next Regular Council Meeting.

The motion to defer was approved unanimously.

VII. Consent Agenda Items

Motion (Approve as Amended): Councilmember Gumbs

Second: Councilmember Willis

[Motion Approved]

Yea: 5 Gumbs, Rowell, Sebastian, Williams, Willis

Nay: 1 Reeves

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Consent Agenda - items 7-9, 11-13, 15.

The motion with amendments was approved 6-1. Councilmember Reeves voted in opposition.

7. Mayor/Council Proclamations for Spreading on the Minutes:
Clifondale Elementary Beta Club (**Councilmember Gumbs**)
Blankies 4 My Buddies (**Councilmember Reeves**)
Warren Edward White (**Mayor Pro Tem Willis**)
Jimmy Hood Day (**Mayor khalid**)
Isiah Turner, Jr. Day (**Councilmember Rowell**)
Bedford Estates Festival of Lights (**Councilmember Gumbs**)
Makenzie Sierra Thompson Month (**Councilmember Gumbs**)

Minutes:

Item approved as a part of Consent Agenda.

8. Request Council Approval of Board/Committee Appointments:

Mayor:

Mayor Khalid appoints Drew de Man to the Environmental Committee.

Mayor Khalid appoints Osbert Leonard to the Code Enforcement Board.

Mayor Khalid appoints Stanley Muhammad to the Street Renaming Committee and the Public Buildings Naming Committee.

District 1:

Councilmember Rowell appoints Suzy Ockleberry Wynn to the Ethics Panel.

Councilmember Rowell re-appoints Derek Pollard to the Development Authority.

District 3:

Councilmember Willis appoints Jill Pope to the Ethics Panel.

District 4:

Councilmember Sebastian appoints Barbara Mostella to the Parks and Recreation Advisory Board.

Councilmember Sebastian appoints Janai Walters to the Planning Commission.

Councilmember Sebastian appoints Thant Coleman to the South Fulton Development Authority.

Councilmember Sebastian appoints Harry Bowden to the Ethics Panel.

District 6:

Councilmember Williams appoints Paulette DeVaughn to the Planning Commission.

Councilmember Williams appoints Kenneth Mitchell to the Ethics Panel.

Councilmember Williams appoints Rae Pollack to the Environmental Committee.

Councilmember Williams appoints Joyce Armster to the Code Enforcement Board.

Councilmember Williams appoints Nichole Thomas to the Street Renaming Committee and the Public Buildings Naming Committee.

Councilmember Williams appoints Judy Booker to the Zoning Board of Appeals.

Councilmember Williams appoints Clyde King to the Parks and Recreation Advisory Board.

Minutes:

Item and additions added during the meeting approved as a part of Consent Agenda.

9. 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 Westlake 5950 **(District 1)**
 2. Confirm the recorded plat for Le Chateau Luxury Homes **(District 4)**
 3. Confirm the recorded plat for NexAir Training Facility **(District 7)**

Minutes:

Item approved as a part of Consent Agenda.

10. Request Council approval authorizing staff to select and enter into a Service Agreement with Atlanta Community Food Bank to perform Food Insecurity Management Services in an amount not to exceed \$100,000 (and to be funded by American Rescue Plan Act funding) as the most Responsive and Responsible proponent in response to RFP 22-002: Implementation and Management of Program to Address Food Insecurity **(City Manager/Procurement)**

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the authorization of staff to select and enter into a Service Agreement with Atlanta Community Food Bank to perform Food Insecurity Management Services in an amount not to exceed \$100,000 (and to be funded by American Rescue Plan Act funding) as the most Responsive and Responsible proponent in response to RFP 22-002: Implementation and Management of Program to Address Food Insecurity.

The motion was approved unanimously.

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11. Request Council approval to purchase protective gear from SRT Supplies in an amount not to exceed \$35,950.00 utilizing approved funds from the Confiscated Asset Fund **(Police)**

Minutes:

Item approved as a part of Consent Agenda.

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12. Request Council approval to close two T-SPLOST Operational and Safety Improvement Projects [(OSI-609) – Feldwood Road Morning Creek and (OSI 610) - Feldwood Road at Bench Mark Drive] and allow quick response (QR) improvements for Mallory Road and Feldwood Road intersections with Flat Shoals Road by using funds left on projects OSI 610 and OSI 609 (**Public Works**)

Minutes:

Item approved as a part of Consent Agenda.

13. Request Council approval authorizing staff to select and enter into a Service Agreement with WorldScapes-LGP, LLC to perform Landscape Maintenance Services for 16 Miles of City Right of Way on State Routes in an amount not to exceed \$28,000 as the most Responsive and Responsible Bidder in response to ITB 22-001: Landscape Maintenance for 16 miles of City Right of Way (**Public Works/Procurement**)

Minutes:

Item approved as a part of Consent Agenda.

14. A Resolution Appointing District 5 Councilmember Corey A. Reeves As Mayor Pro Tempore; Setting The Date Of Appointment Of Said Mayor Pro Tempore (**Sponsored by Councilmembers Rowell, Gumbs, Willis, Williams and Baker**)

Motion (Approve): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve A Resolution Appointing District 5 Councilmember Corey A. Reeves As Mayor Pro Tempore; Setting The Date Of Appointment Of Said Mayor Pro Tempore.

The motion was approved unanimously.

Councilmember Sebastian requested to be added as a co-sponsor.

15. A Resolution By The City Of South Fulton, Georgia Authorizing An Agreement With Michael Sheridan To Serve As The City's Chief Municipal Court Judge And For Other Lawful Purposes (**Mayor khalid**)

Minutes:

Item approved as a part of Consent Agenda.

VIII. Public Comments

Minutes:

There were 31 people who submitted public comments as follows:

- 1. Keishan Davis, District 3: Comment regarding the South Fulton Tennis Center**
- 2. Brianna McGeehan, District 7: Supports forensic audit and does not support charter amendments**
- 3. Drew de Man, District 7: Supports forensic audit and does not support charter amendments**
- 4. Corey Critell, District 7: Comment regarding local business and economic development.**
- 5. Daphne Jordan, District 3: Support proposed charter amendments**
- 6 Juliette Rankins, District 4: Concerned about proposed Kwanzaa and Wellness Days resolutions.**
- 7. Grace Battle, District 2: Opposed to City providing sanitation service**
- 8. Connie Branch, District 7: Request traffic light at Bethsaida Road and Jonesboro Road; Sidewalks are needed on Bethsaida Road between Connally and Creel Roads.**
- 9. Barbara Mckee, District 6: Request support for an ordinance**
- 10. Naeema Gilyard, District 4: Request that Council respects the will of the voters.**
- 11. Michael Venable, District 6: Request that the City Council vote on zoning items immediately after the zoning hearings**
- 12. Connie Robinson, District 2: Opposed to City providing one-source sanitation service; Opposed to zoning case M21-007/CV21-007.**
- 13. Deborah Kennedy, District 1: Opposed to zoning case M21-007/CV21-007.**
- 14. Joseph Mau, District 7: Supports forensic audit and does not support charter amendments**
- 15. Paul Brady, District 7: Supports forensic audit and does not support charter amendments**
- 16. Karen McGeehan, District 7: Supports forensic audit and does not support charter amendments**
- 17. Loretta, District 6: What are the plans to revitalize District 6 and Old National Highway; Request that the Buffington Park Subdivision streets are repaved.**
- 18. Gwen Foston, District 5: Does not support charter amendments**
- 19. Glenda Collins, District 5: Comment regarding zoning case M21-007/CV21-007 - opposed to increased units; Supports charter amendments and is opposed to the requested new Kwanza holiday.**
- 20. Sheila Louder, District 5: Congratulations to the new mayor and council. Supports the Old National area, new Public Advocate position and requests attention to environmental justice, homelessness and improving schools.**
- 21. Harvey Davis, District 1: Expressed concern regarding elected officials blocking their social meeting accounts, Supports charter amendments**
- 22. Marsha Still, District 5: Does not support charter amendments**
- Diane Johnson, District 5: Opposed to the requested new Kwanza holiday.**
- 23. Gloria Williams, District 2: Expressed concern about littering in the City and request increase litter pick up services**
- 24. Leslie Moore, District 5: Supports the Mayor and his Martin L. King Jr. Day event he hosted at Camelot Condominiums. Supports forensic audit and does not support charter amendments**
- 25. Michael Williams, District 2: Request support for the Parking Ordinance.**

- 26. Tuneen Chisolm, District 4: Opposed to zoning case U21-007.
 - 27. Sharon Steavens, District 3: Supports forensic audit and does not support charter amendments
 - 28. Aurelia Soleatha Ransom, District 4: Wondered what is being built at the corner of South Fulton Parkway and Highway 92.
 - 29. Crystal Green, District 2: Request that traffic cameras report accidents and incidents.
 - 30. Cecil Drummond, District 7: Request the status of detention pond maintenance in the City.
 - 31. Reshard Snellings, District 1: Supports forensic audit and does not support charter amendments
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IX. Agenda Items

- 16. Request Council approval to accept the 2022 Local Maintenance & Improvement Grant (LMIG) in the amount of \$1,163,120.52 from the Georgia Department of Transportation (GDOT) contingent on the City of South Fulton providing the required 30% match in the amount of \$348,936.15
(Public Works)

Motion (Approve): Councilmember Baker

Second: Councilmember Gumbs

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve a Request for Council approval to accept the 2022 Local Maintenance & Improvement Grant (LMIG) in the amount of \$1,163,120.52 from the Georgia Department of Transportation (GDOT) contingent on the City of South Fulton providing the required 30% match in the amount of \$348,936.15.

The motion was approved unanimously.

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- 17. Request Council Approval of an Ordinance Declaring A State of Emergency in the City of South Fulton; Providing for City Meetings to be Held Virtually; Providing for an Effective Date and for Other Purposes **(Mayor khalid)**

Motion (Approve as Amended): Councilmember Baker

Second: Jaceey Sebastian

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to approve a Request for Council Approval of an Ordinance Declaring A State of Emergency in the City of South Fulton; Providing for City Meetings to be Held Virtually; Providing for an Effective Date with an amendment by Mayor khalid to extend the emergency ordinance for 25 days.

The motion was approved unanimously.

18. Presentation: 2022 Redistricting Process

Minutes:

The City Manager provided an update regarding a recent meeting held in December 2021 with Brian Knight with the State Reapportionment Office (SRO). The SRO is working on reapportioned maps for the City based upon the 2020 Census. The City Manager will coordinate with the SRO to update the Council at a future meeting and the topic will be discussed at the Council Retreat.

Councilmember Willis requested that the City Manager inquire with the City Manager for the City of Savannah to gain insight regarding their process and approach to reapportionment. She also suggested that the City Manager reach out to the Atlanta Regional Commission to determine if they offer assistance regarding redistricting.

Mayor khalid advised that he has spoken to Aaron Johnson, a member of the Fulton County Board of Registration and Elections and based upon this conversation it does not appear that there is an urgent need to reapportion the City's Council Districts at this time. If a special election is required, Mayor khalid advised he was told that the City can use the existing district boundaries because the vacancy is for an existing and unexpired seat.

19. Request Council Approval of an Intergovernmental Agreement (IGA) with City of South Fulton and the South Fulton Downtown Development Authority

Motion (Approve): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 1 Baker
Not Voting: 0

Minutes:

A motion was made to approve a Request for Council Approval of an Intergovernmental

Agreement (IGA) with City of South Fulton and the South Fulton Development Authority and an Intergovernmental Agreement (IGA) with City of South Fulton and the South Fulton Downtown Development Authority.

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

20. Second Reading of An Ordinance To Amend the City of South Fulton's Charter Article II, Government Structure, Election and Removal, Section 2.16 (b)(1); Article III, Organization of Government General Authority And Ordinance, Section 3.23 (a); and Article IV, Administrative Affairs, Section 4.12 (a)(1) and (2) And For Other Lawful Purposes (**Sponsored by Councilmember Rowell, Mayor Pro Tem Willis and Councilmember Gumbs**)

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

Yea: 4 Gumbs, Rowell, Williams, Willis

Nay: 1 Reeves

Abstain: 2 Baker, Sebastian

Not Voting: 0

Minutes:

A motion was made to approve the Second Reading of An Ordinance To Amend the City of South Fulton's Charter Article II, Government Structure, Election and Removal, Section 2.16 (b)(1); Article III, Organization of Government General Authority And Ordinance, Section 3.23 (a); and Article IV, Administrative Affairs, Section 4.12 (a)(1) and (2).

The motion was approved 4-1-2. Councilmember Reeves voted in opposition. Councilmember Baker and Sebastian abstained.

21. Request Council Approval of an Intergovernmental Agreement (IGA) with City of South Fulton and the South Fulton Development Authority

Motion (Approve): Councilmember Rowell

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 1 Baker

Not Voting: 0

Minutes:

A motion was made to approve a Request for Council Approval of an Intergovernmental Agreement (IGA) with City of South Fulton and the South Fulton Development Authority and an Intergovernmental Agreement (IGA) with City of South Fulton and the South Fulton Downtown Development Authority.

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

22. Request Council approval of A Resolution Adopting the Community Development Services Department's 2022 Calendars for Rezonings, Modifications and Variances for the Mayor and Council of the City of South Fulton, Georgia to comply with the Georgia Open Meetings Act and for other purposes **(Community Development)**

Motion (Approve): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve A Resolution Adopting the Community Development Services Department's 2022 Calendars for Rezonings, Modifications and Variances for the Mayor and Council of the City of South Fulton, Georgia to comply with the Georgia Open Meetings Act.

The motion was approved unanimously.

23. Request to Repeal Resolution 2017-039 (Parity of Pay) and Resolution 2018-059 (Legislative Specialists Terms of Employment)
(Mayor khalid)

Motion (Approve): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to approve the Repeal of Resolution 2017-039 (Parity of Pay) and Resolution 2018-059 (Legislative Specialists Terms of Employment).

The motion was approved unanimously.

X. Addendum Items

24. Request Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months **(Police)**

Note: Item added to Agenda on January 25, 2022 during Adoption of the Agenda

Motion (Approve): Councilmember Willis

Second: Councilmember Gumbs

[Motion Approved]

Yea: 6 Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 1 Baker

Not Voting: 0

Minutes:

A motion was made to approve a Request for Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months.

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

25. First Read of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers And For Other Lawful Purposes
(Sponsored by Councilmember Willis, Councilmember Gumbs, Councilmember Sebastian, Councilmember Williams)

Note: Item added to Agenda on January 25, 2022 during Adoption of the Agenda

Minutes:

First Read

XI. Council Comments

Minutes:

Mayor:

Congratulated Makenzie Thompson for receiving over \$1 million dollars in scholarships and over 39 college entrance offers. Makenzie serves as the SGA President at Westlake High School.

Encouraged citizens to participate in the Genealogy workshop scheduled for February 12, 2022 at 10 AM.

Thanked Mel Keyton for cooking food and residents and volunteers for their participation and assistance during the meet and greet at Camelot Club Condos for the Martin L. King Jr. Day of Service on January 17, 2022.

Announced that Council Meeting agendas will be "topic-focused" and for the month of February the topic will be human resources and planning and zoning for March. Requested that Council and staff submit their legislation based upon these topics. Additionally, he will manage the agenda to ensure that the meetings end by 9 PM, if possible.

District 1:

Thanked volunteers for participation in the monthly community clean-up for the Martin L. King Jr. Day of Service on January 17, 2022. Over 60 people showed. The next clean-up event is scheduled for February 19, 2022.

Thanked the Public Works Department for the installation of the "No Trucks" signs on Cascade Road.

District 2:

Thanked residents for offering their time and service on the various boards and commissions.

Request volunteers and parents to come out to Stonewall Tell Elementary School for the Tiny Library construction on January 29, 2022.

World Read Aloud Day is February 2, 2022.

Litter collection activities will begin in February.

District 3:

Thanks Dr. Tolbert with Red Oak Veterinary, Wayfield Foods, Senator Halpern and School Board representative Dove for their assistance during the Martin L. King, Jr. Day Community Giveback. Over \$2,000 was raised and grocery gift cards and PPE were distributed to citizens.

District 4:

Thanked residents and volunteers for participating in the Martin L. King Jr. Day of Service District 4 Community Cleanup.

Announced that citizens should be alert for forthcoming District 4 virtual meetings.

District 5:

Announced that February is Black History Month and March is National Reading Month and he will be collecting books throughout both months. Encourages all men to assist with reading to children at Feldwood Elementary and Heritage Middle Schools beginning in February.

District 6:

The District 6 Town Hall Meeting is scheduled for February 12, 2022 at Burdette Gym at 11 AM.

District 7:

Reminded residents that the next Old National Common Unity Series will be held in February at the LA Fitness parking lot.

Announced that he is running for the 13th Congressional seat and will have to relinquish his council seat upon qualification.

XII. Executive Session

Motion (Recess): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made at 6:46 PM to recess for an Executive Session to discuss Real Estate, Litigation and Personnel.

The motion was approved unanimously.

Motion (Reconvene): Councilmember Baker

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to reconvene from Executive Session at 8:51 PM.

The motion was approved unanimously.

XIII. Adjournment of Meeting

Motion (Adjourn): Councilmember Willis

Second: Councilmember Rowell

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Regular Meeting at 8:54 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Work Session Minutes from February 8, 2022

DATE: February 22, 2022

SUBJECT: Request Council Approval of City Council Work Session Minutes from February 8, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_WS_2022_2_8_Meeting_Draft	Cover Memo	2/22/2022

CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - WORK SESSION
Tuesday, February 8, 2022, 4:00 PM



COUNCIL WORK SESSION MEETING MINUTES

I. Call to Order

Minutes:

The meeting was called to order by Mayor khalid kamau 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.

1. Roll Call

Minutes:

Attendee Name	Title	Status	Arrived
khalid kamau	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jaceey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

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

II. Invocation - Pastor Warren L. Henry, Sr., City Chaplain

Pastor Warren L. Henry, Sr., City Chaplain, opened the meeting with an invocation.

III. Monthly Reports

2. Finance Report - Karen Slayton-Dixon, Finance Director

Minutes:

Report presented by Finance Director, Karen Slayton-Dixon.

3. City Attorney's Report - Vincent D. Hyman, City Attorney

Minutes:

Attorney Katherine Vernet indicated that the City Attorney submitted his report in writing.

4. City Manager's Report - Tammi Saddler Jones, City Manager

Minutes:

City Manager, Tammi Saddler Jones presented the following announcements and updates:

The FY2022 Budget will be added to the website this week.

The Rental and Mortgage Assistance Program will be administered by an outside vendor. An RFP will be solicited upon the development of the scope of work.

The State of Georgia recently contacted the City requesting additional payroll information for eligible first responders who may qualify for the Governor's (\$1,000) First Responders Grant. The City will provide the requested information as soon as possible.

The City Manager advised that more detailed information regarding the administration and eligibility for the following programs will be forthcoming.

\$500,000 Premium Pay

\$800,000 Public Safety Employees Responding to Health Emergency

Councilmember Willis requested that the City Manager bring back a plan by the next Work Session. She also requested that the City provide communication to the public safety employees updating them regarding the status of the eligible funding.

Mayor Khalid requested that staff research whether the Rental and Mortgage Assistance Program includes assistance with HOA fees.

IV. Public Comment

Minutes:

There were 40 people who submitted public comments as follows:

1. Linda Brittan, District 1 (Supports bonuses for police)

2. Ruth Webster Lewis, District 2 (Supports bonuses for police)
3. Teresa Carter, District 4 (Supports bonuses for police)
4. Melody Huff, District 2 (Supports entrepreneurs and small businesses in the City)
5. Drew de Man, District 7 (Questioned the process that has been used to discuss public safety bonuses and supports bonuses for all employees.)
6. Corey Critell, District 7 (Owns PHIT on Old National Highway and requests support of businesses)
7. Rose Marie Hodges, District 3 (Comment regarding speed enforcement)
8. Sonya Patterson, District 2 (Supports bonuses for police)
9. Adisa Arans, District 5 (Supports bonuses for police)
10. Nicholas Williams, District 2 (Supports bonuses for police)
11. David Rector, District 4 (Requests that City's elected officials work as a team)
12. Naeema Gilyard, District 4 (Supports operational audit)
13. Michelle Brewington, District 2 (Expressed concern about labeling the City as the Blackest City in America)
14. Ray Pollack, District 6 (Comment regarding changes in employee workdays)
15. Betty Archer, District 2 (Supports bonuses for police and in-person council meetings)
16. Correll Driskell (Expressed concern about labeling the City as the Blackest City in America and supports bonuses for police)
17. Clyde King, District 6 (Requests that City's elected officials work as a team)
18. Helen Vance, District 6 (Supports Summer Fridays legislation)
19. Glenda Collins, District 5 (Supports bonuses for police)
20. Harry, District 3 (Supports forensic audit and the pay increase for all employees)
21. Ursula Walker, District 3 (Concerned about Police Chief being on the news)
22. Marcia Clemendor, District 6 (Concerned about parking along Kimberly Mill Road)
23. Noreese Stephens, District 1 (Requests that City's elected officials work as a team and (Supports Summer Fridays legislation))
24. Will Brown, District 1 (Request sidewalks on Cascade Road and Danforth Road)
25. Reshard Snellings, District 1 (Supports the mayor and his position on bonuses for all employees including police officers. Supports forensic audit)
26. Jewel Johnson, District 1 (Supports operational audit)
27. Jay Parker, District 1 (Supports Mayor Khalid)
28. Jacqueline Perkins, District 6 (Supports speed bumps)
29. Melania Woodruff, District 1 (Supports Mayor Khalid)
30. Jason Tavares, District 3 (Supports Mayor Khalid)
31. Sandra Phillips, District 2 (Supports bonuses for police)
32. Juanita Marbury, District 1 (Concerned about growth and density near the Publix shopping center on Campbellton Road)
33. Richard Reid, District 1 (Concerned about trash and truck traffic in the Boat Rock and Fulton Industrial area)
34. Edwina Dixon, District 2 (Supports bonuses for police)
35. Brianna McGeehan, District 7 (Expressed concern about hazardous waste facility in District 7)
36. Kamilah Burrow, District 6 (Seeking assistance with allowing One Talent non-profit the ability to use the Southwest Arts Center)
37. Mel Keyton, District 4 (Supports bonuses for police and all employees.)

V. Presentations

Motion (Recess): Councilmember Rowell

Second: Councilmember Reeves
[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made at 6:01 PM to recess the Work Session to begin the Zoning Public Hearing.

The motion was approved unanimously.

Motion (Reconvene): Councilmember Rowell
Second: Councilmember Gumbs
[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to reconvene the Work Session at 6:11 PM.

The motion was approved unanimously.

-
5. **Overview of Auditing Process**
A. Doug Moses and David Roberts, Mauldin and Jenkins
B. Kirkland Carden, Gwinnett County Commission, Internal Audit Committee

Minutes:

Doug Moses and David Roberts with Mauldin and Jenkins provided a report detailing the difference between the annual financial compliance audit report and other audits such as forensic and Operation/Performance. (Presentation on file in the City Clerk's Office).

Kirkland Carden, Gwinnett County Commissioner, provided his experience with an Operation/Performance audit and the benefits of implementing this type of audit.

The City Manager announced the City is conducting independent audits in the Parks Department and the Purchasing Department.

6. **Return to In-Person Meetings - Tammi Saddler Jones, City Manager**

Minutes:

The City Manager provided an update regarding operational details and safety protocols for the City's return to in-person Council Meetings set to occur on February 22, 2022 at the Southwest Arts Center. These protocols include wearing masks, continued sanitizing of facilities, using hand sanitizer, maintaining proper separation, asking symptom questions, increased signage and temperature checks.

Councilmember Rowell requested that the City examine hybrid meetings, virtual and in-person, for the work session as opposed to in-person for the Regular Meeting. Request that the virtual option be considered for the various boards and commissions.

7. Fire Pay Proposal – Chad Jones, Fire Chief

Minutes:

Fire Chief Chad Jones presented an overview of the proposed Fire Department Recommended Bonuses and Incentives Program.

The presentation was followed by a question and discussion period.

Councilmember Willis requests timelines for the implementation of the proposals.

8. Proposed Personnel Policies Revision and Plan For A Performance Appraisal Program – Niki Graham, Human Resources Director and Tammi Saddler Jones, City Manager

Minutes:

Niki Graham, Human Resources Director provided an overview of several proposed Human Resources Policy and Procedure Revisions.

The City Manager presented the proposed Employee Performance Appraisal Plan and Employee Retention efforts.

The presentation was followed by a question and discussion period.

Councilmember Willis requested that the City Manager explore a classification plan. The City Manager advised that staff will explore addressing this request during the mid-year budget.

Councilmember Rwell requested that staff share the employee benefits and incentives with all employees.

9. Discussion: \$2,500 ARP Bonus for All City Employees – Mayor khalid

Minutes:

Mayor khalid discussed potential employee bonus benefits for all employees.

Mayor khalid requested that Becky Taylor with the Georgia Municipal Association share additional information regarding the use of American Rescue Plan (ARP) funding by other governments.

Councilmember Rowell requested that the City Manager share her previous recommendations regarding the proposed use of ARP funding.

10. Georgia Power Resource Planning, Wan Smith, GA Conservation Voters Education Fund (may be discussed after 6PM Zoning Hearing)

Minutes:

Wan Smith with the GA Conservation Voters Education Fund presented a request for the City to intervene in the Georgia Power Integrated Resource Plan.

The presentation was followed by a question and discussion period.

Councilmember Willis requested that the City Manager reach out to the City's Georgia Power representative to come before the City Council to discuss their plan.

11. Council Comments

Minutes:

Mayor:

The mayor requested that the Council consider extending the start time for the Zoning Public Hearing to 7 PM. Given the time needed to discuss various topics, a longer Work Session may be warranted.

Recognized the passing of Larry Dingle and highlighted his work as a Black History Maker.

Congratulated William T. Robie, Sr. on his birthday celebration.

Encouraged citizens to visit the Clothes Story Exhibit at Southwest Arts Center through March 5, 2022 and to participate in the Genealogy workshop scheduled for February 12, 2022 at 10 AM.

Congratulated the students and participants at the recent forum at Banneker High School. A follow-up forum and workshop will take place on February 9, 2022 at 7 PM.

Congratulated PHIT Gym located at 7490 Old National Highway for being recognized as the Best Decorated BUiniseess.

The City Council will return to in-person meetings on February 22, 2022 at 4 PM at the Southwest Arts Center.

For more information, text Fulton to 33777.

District 1:

Urged the mayor to consider the purpose of the Work Session. The Council Meeting Schedule, as well as the CDRA Meeting Schedule, has been adopted by this Council. The addition of public comment to today's agenda extended the time of the meeting.

District 2:

Urged the mayor and staff to be consistent with the presentation times. Past practice allocated 10-15 minutes per presentation.

A District 2 Town Hall Meeting will be held on February 28, 2022. For more information and other events, please visit CouncilwomanCarmalithaGumbs.com.

District 3:

Urged the mayor to consider not making unilateral decisions regarding the agenda and process. Council is developing legislation to address how the Work Session agenda is developed.

A Human Trafficking Forum sponsored by Delta Sigma Theta Sorority, Inc. is being held on February 15, 2022 at 7 PM. In addition to Councilmember Willis, State Representative Debra Bazemore and Police Chief Keith Meadows will be participants.

District 4:

Announced that District 4 will soon have a legislative specialist to assist citizens this month.

Urged the mayor and council to be mindful of the public perception and actions that affect the City.

District 5:

Announced that he is collecting books for the month of March. Book drop locations are available at each fire station.

District 6:

No Comment.

District 7:

Congratulated the students and Mayor Khalid for their participation at the recent forum at Banneker High School. A follow-up forum and workshop will take place on February 9, 2022 at 7 PM.

Thanked Mayor Khalid for agreeing to place the Envision South Fulton (Development Authority) report on the March Work Session agenda. The Authority recently closed on a project on Old National Highway with Butler and Butler that will be of great benefit to the City.

VI. 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): Jacey Sebastian

Second: Councilmember Willis

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made at 9:08 PM to recess for an Executive Session to discuss Real Estate, Litigation and Personnel.

The motion was approved unanimously.

Motion (Reconvene): Councilmember Baker
Second: Councilmember Rowell
[Motion Approved]

Yea: 6 Baker, Gumbs, Reeves, Rowell, Sebastian, Willis
Nay: 0
Abstain: 0
Not Voting: 1 Williams

Minutes:

A motion was made to reconvene from Executive Session at 10:30 PM.

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

The City Clerk reported that there was no formal action taken in Executive Session.

VII. Adjournment of Meeting

Motion (Adjourn): Councilmember Reeves
Second: Jaceey Sebastian
[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis
Nay: 0
Abstain: 0
Not Voting: 0

Minutes:

A motion was made to adjourn the Work Session at 10:31 PM.

The motion was approved unanimously.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of City Council Zoning Public Hearing Minutes from February 8, 2022

DATE: February 22, 2022

SUBJECT: Request Council Approval of City Council Zoning Public Hearing Minutes from February 8, 2022

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Minutes_2022_2_8_Meeting(435) (1)	Cover Memo	2/19/2022

**CITY OF SOUTH FULTON, GEORGIA
VIRTUAL - ZONING PUBLIC HEARINGS
Tuesday, February 8, 2022, 6:00 PM**



SPECIAL CALLED MEETING MINUTES

1. Meeting Called to Order

Minutes:

The Zoning Public Hearings was called to order by Mayor khalid kamau at 6:01 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
khalid kamau	Mayor	Present	
Catherine F. Rowell	District 1 Councilmember	Present	
Carmalitha Gumbs	District 2 Councilmember	Present	
Helen Z. Willis	District 3 Councilmember	Present	
Jacey Sebastian	District 4 Councilmember	Present	
Corey A. Reeves	District 5 Councilmember	Present	
Natasha Williams	District 6 Councilmember	Present	
Mark Baker	District 7 Councilmember	Present	

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

3. Rezoning, Variance and Modification Cases (For Presentation and Public Hearing Only)

- 1. U21-006: Request a special use permit for a nail salon at 3220 Butner Rd. Suite 136 (District 2)**

Minutes:

Public Hearing held. No comments received.

Discussion conducted.

2. Discussion: Meeting Start Time for the Zoning Public Hearing

Minutes:

Item not discussed.

4. Council Comments

Minutes:

Comments deferred to the Work Session agenda.

5. Executive Session

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 was conducted.

1. Adjournment

Motion (Adjourn): Councilmember Gumbs

Second: Councilmember Reeves

[Motion Approved]

Yea: 7 Baker, Gumbs, Reeves, Rowell, Sebastian, Williams, Willis

Nay: 0

Abstain: 0

Not Voting: 0

Minutes:

A motion was made to adjourn the Zoning Public Hearings at 6:10 PM.

The motion was approved unanimously.

Adjournment of Meeting

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Mayor/Council Proclamations for Spreading on the Minutes:

DATE: February 22, 2022

SUBJECT: Mayor/Council Proclamations for Spreading on the Minutes:

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
PROCLAMATION -Pamela Freeman 1.25.22 Rowell Willis	Cover Memo	2/18/2022
Proclamation - Kevin Cole - Rowell Sebastian 1.28.2022	Cover Memo	2/18/2022
youngdolphproc. Baker 1.28.22	Cover Memo	2/18/2022
jprinceproc.Baker 1.28.22	Cover Memo	2/18/2022
Proclamation_William T. Robie Day _khalid 1.15.2022 all signatures	Cover Memo	2/18/2022
Proclamation_Henry L Mason Day _khalid 2.15.2022 all signatures	Cover Memo	2/18/2022
Proclamation - Larry Dingle - khalid Rowell 2.15.2022 all signatures	Cover Memo	2/18/2022
Proclamation_Gale Green Roman Day _khalid 2.15.2022 all signatures	Cover Memo	2/18/2022
Proclamation_Pastor Wendy Smith-Martin _ 2.18.2022_ Reeves	Cover Memo	2/18/2022



City of South Fulton

PROCLAMATION CELEBRATING THE LIFE AND LEGACY OF PAMELA DENISE FREEMAN

WHEREAS, Pamela Denise Freeman was born on February 6, 1952, in Atlanta, Georgia, to the late Ms. Peggy W. Johnson; and

WHEREAS, Pamela, affectionally known as "Ms. Pam," was educated in the Atlanta Public School System and graduated from Luther J. Price High School in 1970; and

WHEREAS, Ms. Pam pursued her passion for elegance and exquisiteness by attending Adorne Beauty College and subsequently received her Cosmetology Diploma; and

WHEREAS, Ms. Pam perfected her craft and built a flourishing business as the Sole Proprietor of Masterpiece Hair Care Salon for thirty years; and

WHEREAS, Ms. Pam was a lifelong learner and continued her dedication to the pursuit of grandeur and sophistication by attending Rodec International Design School as an online student and ultimately graduated as an Interior Designer; and

WHEREAS, Ms. Pam flourished as an interior designer and attained the position of House Operations Chair for the Decorator's Show House where she worked extensively on the St. Regis Hotel Project that was constructed in the Buckhead Community in Atlanta; and

WHEREAS, Ms. Pam was an ardent community activist and passionately cared for her community. Ms. Pam was especially proud of her involvement and graduation from South Fulton University, the City of South Fulton's citizens' academy, which educates residents about the operations of their city; and

WHEREAS, the City of South Fulton is honored to commemorate the life and legacy of Pamela Denise Freeman. She will always be remembered as one who made substantial contributions to her community and was a faithful wife to her husband, Myron, and a doting mother to her daughter, Myla.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council acknowledges the gifts and graces of Ms. Pam, appreciates her commitment and dedication to the South Fulton Community and does hereby proclaim Tuesday, January 25, 2022, as **PAMELA DENISE FREEMAN DAY** in the City of South Fulton.

Councilwoman Catherine Foster Rowell, Ph.D., District 1

Mayor Pro Tem Helen Z. Willis, District 3



City of South Fulton

WHEREAS, within the last 32 years, he received 27 grants and fellowships, 66 awards in art, 51 teaching awards, and over 45 public art commissions; and

WHEREAS, he has received the 2020 Governor's Awards for the Arts and Humanities, the 2020 Brenda and Larry Thompson Award from the Georgia Museum in Athens, GA, the 2020 Trailblazer Award from Salem Bible Church in Atlanta, GA, and the 2019 Nexus Award from the Atlanta Contemporary Art Center in Atlanta; and

WHEREAS, his artwork has been featured in more than 475 exhibitions throughout the United States and abroad. Cole's artwork is included in more than 3,800 public, private, and corporate collections throughout the United States and abroad; and

WHEREAS, Cole's work is featured in public collections that include: The National Museum of African American History and Culture at the Smithsonian Museum, Washington, DC; The Georgia Museum, Athens, GA; High Museum of Art, Atlanta, GA; William Jefferson Clinton Library, Little Rock, AR; Arkansas Art Center, Little Rock, AR; Yale University Art Gallery, New Haven, CN; The Ogden Museum of Southern Art, New Orleans, LA; The David C. Driskell Center, University of Maryland at College Park, MD; Dayton Institute of Art, Dayton, OH; Pennsylvania Academy of Fine Art, Philadelphia, PA; The Georgia Museum of Contemporary Art, Atlanta, GA; Corcoran Museum in Washington, DC; Tampa Museum in Tampa, FL; Saint Louis University Museum of Art; and

WHEREAS, his work is featured in corporate collections which include Bank of America, Charlotte, NC; I.B.M., NY; King and Spaulding Law Firm, Atlanta, GA. Private collectors include Michael Jordan and John and Monica Pearson of Atlanta, GA; and

WHEREAS, Mr. Cole has also created more than 45 public art works, including the Coca-Cola Centennial Olympic Mural for the 1996 Olympic Games and Mr. Cole completed a 20' x 55' x 16" installation for Hartsfield Jackson International Airport in Atlanta, GA; and

WHEREAS, his artwork has been featured in more than 125 publications, including *The Guardian Magazine* in Paris, France and *Scholastic Art* with Dale Chihuly, as well as *The Washington Post*, *Sculpture Magazine*, *The Union-Tribune* in San Diego, CA, and *The Atlanta Journal-Constitution*, Atlanta, GA.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton in honor of Black History Month celebrate the work of Kevin Cole and do hereby proclaim Tuesday, February 1, 2022 as **"KEVIN COLE APPRECIATION DAY"** in the City of South Fulton, Georgia.

Councilwoman Catherine Foster Rowell, Ph. D, District 1

Councilman Jacey Sebastian, District 4



City of South Fulton

WHEREAS, In recent years the hip hop culture has been shattered by the violent loss of many of our brightest stars to the tragedy of gun violence, gang violence, and other negative repercussions of a sub-culture that has run rampant throughout our community. These artists, who are, in some ways Prophets and Heralds to our people will forever be remembered, however only a few stand out like the indomitable Young Dolph.

WHEREAS, as his impact supersedes his triumphs in the recording studio, their philanthropic acts, the gestures of love and appreciation for other true servants of our community as well as the authentic unapologetic appreciation of the underserved will forever resonate throughout the culture as one of few measuring sticks that today's generation would compare to the likes of Christopher Wallace and Tupac Amari Shakur, who will forever reign in the memory of the broader collective.

WHEREAS, our Brother, the prolific Adolph Robert Thornton Jr., otherwise known famously as the rapper Young Dolph, a resident of the Metro Atlanta area, was a star and stalwart in our community as well broader collective, and has always been dedicated, along with his wife, the dynamic Mia Jaye, to the edification of the marginalized, the underrepresented, and the voiceless.

WHEREAS, Young Dolph's wife, Mia Jaye, has started a social initiative entitled MOMEEO, which is dedicated to counteracting the premature life span of the Black Man in America, who is 20 times more likely than their other male counterparts, to be a victim of senseless carnage.

Now, therefore be it resolved, that the Mayor and City Council of the City of South Fulton do hereby proclaim Saturday January 29th, 2022, as **"YOUNG DOLPH AND MIA JAYE APPRECIATION DAY"** in the City of South Fulton, Georgia.



City of South Fulton

WHEREAS, in the City of South Fulton, Georgia, known as the “Blackest City in America,” it is duly appropriate to acknowledge our brother James Prince Jr., popularly known as “J. Prince”, who through his musical triumphs and iconic nature, is a stalwart and fixture in not only our community, but the black community at large. He is a world-renowned American music executive, promoter, and CEO of the acclaimed “Rap-A-Lot” record label.

WHEREAS, J. Prince, responsible for jump starting the careers of Hip Hop icons such as Drake, Geto Boys, Scarface, UGK, Pimp C, Bun B, is also the founder of Prince Boxing Enterprise, which manages professional boxing icons such as Floyd Mayweather, Sugar Shane, and Bryant Jennings.

WHEREAS, as one who has his finger on the pulse of the underrepresented and the marginalized, J Prince has established social initiatives and 501c3’s, all geared around helping those who are on the downside of opportunity, and through his Bettie “MoMo” Chatmon Scholarship, named after his Great Grandmother, has given away scholarships to help underserved children attend college for over 3 decades.

WHEREAS, J Prince, through associations with the City of South Fulton’s District 7 Councilman Dr. Mark Baker, and the Larry Hoover Family has helped bring attention to prison reform and the unjustified and inhumane incarceration of Larry Hoover through food giveaways and feeding the homeless campaigns within our city, as well as global events, such as the Free Larry Hoover Concert, headlined by the indomitable Drake and Kanye West.

WHEREAS, J. Prince respected by many, has been hailed as a Kingmaker in a class of his own, with a mystique, and an aura possessed by few, is regarded as a problem solver, peacemaker, and overall legend in the black community as well as the broader collective.

Now, therefore be it resolved, that the Mayor and City Council of the City of South Fulton do hereby proclaim Monday, October 31st, 2022 as “**JAMES PRINCE APPRECIATION DAY**” in the City of South Fulton, Georgia.

District 7 Councilman, Dr. Mark Baker



City of South Fulton

“WILLIAM T. ROBIE, SR. DAY”

WHEREAS, William Thomas Robie was born on January 29, 1920 in Middle Georgia; and

WHEREAS, Mr. Robie left Middle Georgia with a sixth-grade education — the farthest a Black man could go in school in rural Georgia at that time; and

WHEREAS, Mr. Robie enlisted in the military, serving honorably in Italy during WWII with the famous 92nd Infantry Division of the U.S. Army — the #BuffaloSoldiers; and

WHEREAS, First Sergeant Robie, after earning four medals, returned to Atlanta and pursued education with fervor, getting his G.E.D. from Washington High School — Atlanta’s only “colored” high school — and his undergraduate degree from Clark College, where he graduated as Valedictorian; and

WHEREAS, Mr. Robie went on to earn his M.B.A. from the University of Michigan and returned to teach at his alma mater, marrying his college sweetheart, Odelle and fathering five children; and

WHEREAS, Professor Robie opened a real estate business which he operated for over 60 years, becoming President of the National Association of Realtists, who work to create homeownership and other economic opportunities in communities of color; and

WHEREAS, Professor Robie served as a professor and (Acting) Department Chair of the School of Business at Clark Atlanta University, formerly called Clark College, for 27 years; and

WHEREAS, Professor Robie’s 102 years of life is a living record of Black History excellence that inspires people of all ages, creeds and colors in South Fulton and beyond.

NOW, THEREFORE BE IT RESOLVED, that the Mayor & City Council of South Fulton, hereby declare Saturday, January 29, 2022 as **WILLIAM T. ROBIE, SR. DAY**, in the City of South Fulton.

Mayor khalid kamau



Councilwoman Catherine Rowell
District 1



Councilwoman Helen Z. Willis
District 3

Councilwoman Natasha Williams
District 6



Mayor Pro Tem Corey A. Reeves
District 5



Councilwoman Carmalitha Gumbs
District 2



Councilman Jacey Sebastian
District 4



Councilman Mark Baker
District 7



City of South Fulton

“REVEREND DR. HENRY L. MASON, SR. DAY”

WHEREAS, Reverend Dr. Henry L. Mason, Sr., began his ministry at a very young age as a teenager and he was a truly committed man of God. He worked faithfully and diligently in the services of the Lord; and

WHEREAS, Reverend Dr. Henry L. Mason, Sr., Pastor of the First Victory Baptist Church, 5461 Stonewall Tell Road began his ministry at this location nearly 40 years ago with the vision of preaching and teaching Jesus Christ to the lost and leading this community in worship and in praise. His work of faith and labor, and the great love he had made an intervention into the lives of young people; and

WHEREAS, Reverend Dr. Henry L. Mason, Sr., ministries at the church included Sunday School, weekly Bible Study, Evangelism, Christian Education, after school child care, Vacation Bible School, and for ten years held a Summer Camp for children ages four through 12; and

WHEREAS, Reverend Dr. Henry L. Mason, Sr., As a spiritual leader and community servant has provided spiritual guidance and counseling, Christmas toy give a ways, safe play time in the summer with bounce houses, games and food as well as Halloween treats for our youth. He has fed the hungry from our community garden, along with mentoring at risk youth just to name a few; and

WHEREAS, Reverend Dr. Henry L. Mason, Sr., had an extensive education background beginning with the Detroit, Michigan Public School system to Detroit Bible College, Wayne State University, Interdenominational Theological Center (ITC), Morehouse School of Religion, and later receiving his Doctorate of Ministry Degree from United Theological Seminary in Dayton, Ohio; and

WHEREAS, on Tuesday, January 18, 2022, God said, “well done, my good and faithful servant,” and called Dr. Mason from labor to reward at the tender age of 81. He will always be remembered as one who made substantial contributions to the City of South Fulton community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council acknowledge Reverend Dr. Henry L. Mason, Sr., for his Christian example and appreciate the impact he has made in so many lives, extends condolences to family, friends and First Victory Baptist Church Family in celebration of a life well-lived, and do hereby proclaim, Saturday, February 19, 2022, as **“REVEREND DR. HENRY L. MASON, SR. DAY”** in the City of South Fulton.

Mayor khalid kamau

Councilwoman Catherine Rowell
District 1

Councilwoman Helen Z. Willis
District 3

Councilwoman Natasha Williams
District 6

Mayor Pro Tem Corey A. Reeves
District 5

Councilwoman Carmalitha Gumbs
District 2

Councilman Jacey Sebastian
District 4

Councilman Mark Baker
District 7



City of South Fulton

“LARRY M. DINGLE DAY”

WHEREAS, Larry M. Dingle was born in Dillon, South Carolina on June 26, 1949, and at an early age, demonstrated courage and leadership by being in the first class to desegregate his local high school. Upon graduation from high school, he attended Morehouse College in Atlanta, Georgia and subsequently transferred to and graduated from Georgia State University in 1974; and

WHEREAS, Larry always demonstrated a quest for knowledge and service which led him to the City of Atlanta to serve as a police officer. Larry continued his ascension within the City of Atlanta by serving as the Clerk of Council for 13 years under the administrations of former City of Atlanta Mayors Maynard H. Jackson and Andrew Young. Larry gained a reputation for being detailed and process oriented as the Clerk of Council and established many of the legislative record-keeping and operational processes that remain in use today; and

WHEREAS, Larry returned to Georgia State University and earned the Juris Doctorate degree in 1987 and began an illustrious legal career. Larry was a knowledgeable and well-respected lawyer for thirty-five years which led to his work on many notable development projects throughout metropolitan Atlanta. Larry was known for being a listener and consensus builder which brought different personalities and interests together to salvage amicable resolutions and agreements; and

WHEREAS, Larry became a partner at the law firm Patterson, Dillard, Young, Asselin and Powell; and continued his legal expertise as a partner at Wilson, Brock and Irby for over 25 years. Larry was known around the metropolitan Atlanta area as an expert in zoning and land use, land use litigation, and local government law. In 1990, Larry co-authored, *Major Land Use Laws in Georgia*, which is used throughout the state as a resource for guidance in analyzing and making land use decisions; and

WHEREAS, the City of South Fulton is honored to commemorate the life and legacy of Larry M. Dingle. He will always be remembered as one who made substantial contributions to his community and was a faithful husband to his wife of 35 years, Katherine, and a proud father to his children, Roderick, Joseph, Joice, and Tiffany.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council acknowledges the indelible impact of Larry to the legal and governmental institutions, appreciates his commitment and dedication to the Atlanta and South Fulton Communities and does hereby proclaim Friday, February 18, 2022, as **LARRY M. DINGLE DAY** in the City of South Fulton.

Mayor khalid kamau

Councilwoman Catherine Rowell
District 1

Councilwoman Helen Z. Willis
District 3

Councilwoman Natasha Williams
District 6

Mayor Pro Tem Corey A. Reeves
District 5

Councilwoman Carmalitha Gumbs
District 2

Councilman Jacey Sebastian
District 4

Councilman Mark Baker
District 7



City of South Fulton

“GALE GREEN ROMANS DAY ”

WHEREAS, Gale Green Romans was born on March 18, 1951, in Hogansville, Georgia to the late Artley Dansby Green and the late James Green; and

WHEREAS, Gale was educated in the Hogansville, Georgia School System. She attended West End School through the eighth grade. She enrolled in Hogansville High School during her freshman year. She was a member of the original six African American students to racially integrate the Hogansville School System. The group later became known as the “Hogansville Six.” Gale graduated from Hogansville High School with the Class of 1969; and

WHEREAS, Upon graduating from high school, Gale moved to Atlanta, Georgia, where she began working for the Southern Bell Telephone and Telegraph Company as a Long-Distance Operator. After leaving the telephone company, she worked for the Atlanta Journal and Constitution. When Gale left the newspaper, she then served as Administrative Assistant to Senator Julian Bond and Senator Horace Tate of the State of Georgia General Assembly for almost 10 years. In the late 1970s, Gale served several years in the United States Army Reserve; and

WHEREAS, On September 8, 1984, Gale married the man of her dreams, Clarence Romans, one who stood by her side until the end. To this union three children were born: two daughters - Nakia and Danielle; and one son, Jory. After starting a family, Gale wanted more flexibility in her life and, therefore, she chose to pursue a career in Real Estate. She became a successful real estate agent for over 30 years. During that time, she helped many of her family and friends purchase homes; and

WHEREAS, Gale had a deep passion for her community. She served as Co-Leaders of Girl Scout Troop 8026 for 10 years where she mentored girls in the Fairburn/Cliftondale Communities. Gale was a resident of the Cliftondale Community for over 30 years and helped fight for cityhood for the now City of South Fulton. Gale was very civic-minded and a staunch advocate for voter’s rights and social justice.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council acknowledges Mrs. Gale Green Romans for her community advocacy and service, appreciates the impact she made in the lives of so many in the City of South Fulton, extends condolences to family and friends in celebration of a life well-lived, and do hereby proclaim, Saturday, February 12, 2022, as **GALE GREEN ROMANS DAY** in the City of South Fulton.

Mayor khalid kamau



Councilwoman Catherine Rowell
District 1



Councilwoman Helen Z. Willis
District 3

Councilwoman Natasha Williams
District 6



Mayor Pro Tem Corey A. Reeves
District 5



Councilwoman Carmalitha Gumbs
District 2



Councilman Jacey Sebastian
District 4



Councilman Mark Baker
District 7



City of South Fulton

WHEREAS, Pastor Wendy Smith-Martin was born the youngest of five children to Reverend William Frank Smith and Ruth Smith in Jackson, Tennessee and was married to Mr. Barrington Martin; and

WHEREAS, Pastor Smith-Martin graduated from Lane College with a Bachelor of Science degree in Business Administration and was an esteemed member of Delta Sigma Theta Sorority, Inc. After answering the call to ministry in 1984, she continued her education and received a Masters of Arts degree from Beulah Heights University Bible College in Atlanta, GA; and

WHEREAS, Pastor Smith-Martin was a God-fearing woman who accepted the mission for ministering to the total man – spirit, mind, and body which led her to bring Greater Victory Christian Center into fruition in 2002. Her vision was to have a holistic ministry that focused on the empowerment of men, women, families, and youth, to enjoy a place of worship with a multiracial atmosphere; and

WHEREAS, Pastor Smith-Martin will always be remembered as one who made substantial contributions to the City of South Fulton community providing food and clothing drives, the development of I-CAMP, collaborating and partnering with several local schools and community leaders.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council acknowledge Pastor Wendy Smith-Martin for her example of Christian ministry and appreciates the enormous impact she has made in so many lives and do hereby proclaim, Sunday, February 19, 2022, as **PASTOR WENDY SMITH-MARTIN DAY** in the City of South Fulton.

Mayor Pro Tem Corey A. Reeves, Councilman, District 5

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Proclaiming The Month Of March As Black Business ?Month In The City, And For Other Lawful Purposes

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution Proclaiming The Month Of March As Black Business ?Month In The City, And For Other Lawful Purposes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
March Black Business Month	Cover Memo	2/18/2022

**A RESOLUTION PROCLAIMING THE MONTH OF MARCH AS BLACK BUSINESS
MONTH IN THE CITY, AND FOR OTHER LAWFUL PURPOSES**

(Sponsored by Councilmember Gumbs)

WHEREAS, the Black community is a substantial and important part of our City;
and

WHEREAS, the Black community has endured centuries of chained and Jim Crow
era enslavement; and

WHEREAS, as a result of the enslavement, in addition to physical oppression, the
Black community has been deprived of much of the knowledge of the accomplishment
and achievements of its ancestors; and

WHEREAS, the Black community's economic development has been suppressed.
And the suppression has resulted in many problems which are more prevalent in the
Black community than in other communities; and

WHEREAS, Black people have been determined to promote self-help in their
community just as many of their ancestors have done throughout the centuries; and

WHEREAS, Black people with the support of many others in determined efforts in
the 1950s, 1960s and 1970s brought an end to Jim Crow slavery; and

WHEREAS, with the new freedom Blacks obtained allowing them to shop without
the barriers of Jim Crow slavery, Blacks have not supported their own businesses as
members of other communities support the businesses owned by their people; and

WHEREAS, the lack of economic development in the Black community
gives rise to many social ills which are more prevalent in the Black community than exists
in other communities; and

WHEREAS, the improvement in the stability and strength of the Black business
community is necessary for the Black community to be effective and beneficial partners
with other communities; and

WHEREAS, ministers of Black churches and mosques have recognized the need
for Blacks to join together in support of Black-owned businesses; and

WHEREAS, Dr. Martin Luther King, Jr. in his very last speech entitled “I’ve been to the Mountaintop” delivered in Memphis, Tennessee on April 3, 1968, the night before his assassination expressly and specifically called on Blacks to unite in support of their own businesses; and

WHEREAS, this effort is not against any other group or people, it is simply a call for Blacks to complete their very long freedom journey; by doing so, the Black community can become more self-supporting and self-reliant, thereby being able to be partners with other people and communities; and

WHEREAS, Black Business Month in the City is a time for the Black community to assess the present circumstances, what has been accomplished in previous years and what is projected in coming years; and

WHEREAS, this Resolution is in the best interests of the general welfare of the City and its residents.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of South Fulton Georgia proclaim March as Black Business Month to promote the improvement in the stability and strength of the Black business community within the City.

BE IT FURTHER RESOLVED, 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.

BE IT FURTHER RESOLVED, all resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

BE IT FURTHER RESOLVED, that the effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Authorizing The City To Participate In A Grant ?Application For A Livable Centers Initiative Study For Roosevelt Highway; To Provide Local Matching Funds In The Amount Of Forty Thousand Forty-Nine Dollars And Zero Cents

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution Authorizing The City To Participate In A Grant ?Application For A Livable Centers Initiative Study For Roosevelt Highway; To Provide Local Matching Funds In The Amount Of Forty Thousand Forty-Nine Dollars And Zero Cents

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Res2022 Roosevelt Hwy LCI (RM 2.10.22)	Cover Memo	2/18/2022

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

RES2022-_____

A RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN A GRANT APPLICATION FOR A LIVABLE CENTERS INITIATIVE STUDY FOR ROOSEVELT HIGHWAY; TO PROVIDE LOCAL MATCHING FUNDS IN THE AMOUNT OF FORTY THOUSAND FORTY-NINE DOLLARS AND ZERO CENTS (\$40,049.00); AND 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 Livable Centers Initiative (LCI) program offered by the Atlanta Regional Commission (ARC) awards planning grants on a competitive basis to local governments and nonprofit organizations to prepare and implement plans that link transportation improvements with land use development strategies to create sustainable, livable communities; and

WHEREAS, Aerotropolis Atlanta ("Aerotropolis") is a public-private partnership working to improve the regional economic competitiveness of the area around the Hartsfield-Jackson International Airport; and

WHEREAS, the City has participated in the LCI program since the City's founding; and

WHEREAS, the ARC is currently engaging in an LCI study related to Roosevelt Highway (HWY 29) in conjunction with Aerotropolis, and is doing so in partnership with multiple municipalities through which that highway travels; and,

WHEREAS, the longest portion of Roosevelt Highway to be studied runs through the City of South Fulton; and,

WHEREAS, the Roosevelt Highway LCI Study plan will identify improvements to achieve a safe, efficient, and connected transportation corridor, strategies that spur and align transit-oriented and infill development across jurisdictions, and innovative creative placemaking projects that enhance the unique characters of the various jurisdictions' downtowns; and

WHEREAS, the City will support and serve as the core team member in the joint LCI study, will commit matching funds, and will pursue active implementation and regular updates of its study; and,

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

NOW, THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1: The City Council expresses its full support for the grant application to the Atlanta Regional Commission for the purpose of updating a Livable Centers Initiative Study for the City of South Fulton and authorizes the City Manager, Finance Director and City Attorney and other necessary staff to execute all appropriate documents in pursuit thereof.

Section 2: The City of South Fulton will provide the required matching funds in an amount not to exceed Forty Thousand Forty-Nine Dollars and 00/100 cents (\$40,049.00) for the Livable Centers Initiative Study Update should grant funds be awarded.

Section 3. 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 4. 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 5. 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.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Livable Centers Initiative Study Update for Sandtown for the City of South Fulton and for other lawful purposes with a required match of \$20,000 to be paid from the Community Development budget

DATE: February 22, 2022

SUBJECT: Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Livable Centers Initiative Study Update for Sandtown for the City of South Fulton and for other lawful purposes with a required match of \$20,000 to be paid from the Community Development budget

REFERENCE:

CONCLUSION:

BACKGROUND:

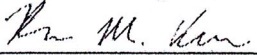
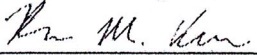
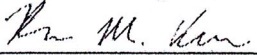
FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Atlanta Regional Commission (ARC) for Sandtown Update	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date							
Requesting Department Community Development and Regulatory Affairs	Council District(s) Affected District 1						
Requested Action Community Development and Regulatory Affairs is planning to submit an application to the Atlanta Regional Commission (ARC) for a comprehensive update of the Sandtown LCI. This request is for a resolution confirming the matching funds of \$20,000.00 should the city be awarded the project.							
Requirements for Council Action (City specific Council policy, statute or code requirement) Staff recommends Council Approval.							
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) The Sandtown community is a residential and mixed-use area that includes portions of Campbellton Rd. and Camp Creek Parkway in District 1. The original Sandtown LCI was initially completed in 2002, and updated in 2007. With the changes in economy, increase in traffic, and population growth the area is experiencing at this time, Sandtown will benefit from a new evaluation of existing conditions and update. The new study will ensure that the community is poised for success for years to come.							
Funding Source (if applicable) 100-7410-52-1200							
Financial Impact (if applicable) The professional services budget includes funding for this project.							
Financial Impact Statement Received Yes ☐ No ☒							
Legislative Process Complete Yes ☒ No ☐							
<table border="1"> <tr> <td> Department Director Approval  02.15.2022 </td> <td> Finance Director Approval  </td> </tr> <tr> <td> Assistant City Manager Approval _____ </td> <td> City Attorney Approval / Reginald B. McClendon _____ </td> </tr> <tr> <td colspan="2"> City Manager Approval  2/17/2022 </td> </tr> </table>		Department Director Approval  02.15.2022	Finance Director Approval 	Assistant City Manager Approval _____	City Attorney Approval / Reginald B. McClendon _____	City Manager Approval  2/17/2022	
Department Director Approval  02.15.2022	Finance Director Approval 						
Assistant City Manager Approval _____	City Attorney Approval / Reginald B. McClendon _____						
City Manager Approval  2/17/2022							

**A RESOLUTION BY THE CITY AUTHORIZING THE GRANT APPLICATION FOR A LIVABLE
CENTERS INITIATIVE STUDY UPDATE FOR THE CITY OF SOUTH FULTON AND
OTHER LAWFUL PURPOSES**

(If needed Sponsored by Councilperson Name)

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 Livable Centers Initiative (LCI) program offered by the Atlanta Regional Commission (ARC) awards planning grants on a competitive basis to local governments and nonprofit organizations to prepare and implement plans that link transportation improvements with land use development strategies to create sustainable, livable communities;

WHEREAS, the City of South Fulton has participated in the LCI program since the City's founding;

WHEREAS, the current Sandtown LCI Study was written in 2002, with an update following in 2009, and the entire plan being written before the City of South Fulton was incorporated;

WHEREAS, the proposed Sandtown LCI Study Update will build on the relevant portions of previous LCI and other planning studies, will propose an expansion of the current plan's boundaries, and will be a transformational document to the continued successful future development of the Sandtown area in South Fulton;

WHEREAS, the Sandtown LCI Study Update will advance the goals of the Regional Development Plan and the LCI Program to encourage diversity of land uses accessible to people of all income levels; to enhance access to a range of travel modes, including transit, walking and bikeways; and foster public-private partnerships;

WHEREAS, the City of South Fulton will serve as the applicant, will commit matching funds, and will pursue active implementation and regular updates of its study;

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The City Council expresses its full support for the grant application to the Atlanta Regional Commission for the purpose of updating the Sandtown Livable Centers Initiative Study for the

City of South Fulton and authorizes the City Manager and staff to execute all appropriate documents in pursuit thereof.

Section 2. The City of South Fulton will provide the required 20% match (up to \$20,000) for the Livable Centers Initiative Study Update should grant funds be awarded.

Section 3. 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 4. 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 5. 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]

The foregoing Resolution No. 2022-0xx was offered by on _____ 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
khalid kamau, Mayor	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis, Mayor Pro Tem	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2022. CITY OF SOUTH FULTON, GEORGIA

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Community Development Assistance Program Study to conduct a housing study for the City of South Fulton and for other lawful purposes with a required match of \$10,000 to be paid from the Community Development budget

DATE: February 22, 2022

SUBJECT: Request Council approval of a Resolution authorizing the city to submit a grant application to the Atlanta Regional Commission (ARC) for a Community Development Assistance Program Study to conduct a housing study for the City of South Fulton and for other lawful purposes with a required match of \$10,000 to be paid from the Community Development budget

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Atlanta Regional Commission (ARC) for Comp House Study	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date		
Requesting Department Community Development and Regulatory Affairs	Council District(s) Affected Citywide	
Requested Action Community Development and Regulatory Affairs is planning to submit an application to the Atlanta Regional Commission (ARC) for a comprehensive housing study. This request is for a resolution confirming the matching funds of \$10,000.00 should the city be awarded the project		
Requirements for Council Action (City specific Council policy, statute or code requirement) Staff recommends Council Approval.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) Like many other cities in our region, the city of South Fulton is growing. The comprehensive housing study is needed to ensure that South Fulton can meet the housing needs of all residents including young professionals, families, and seniors. The housing study will look at current conditions and future projects to make recommendations on the right type of housing and location of housing to meet the needs of both current and future residents.		
Funding Source (if applicable) 100-7410-52-1200		
Financial Impact (if applicable) The professional services budget includes funding for this project.		
Financial Impact Statement Received Yes ☐ No ☒		
Legislative Process Complete Yes ☒ No ☐		
Department Director Approval <i>[Signature]</i> 02.15.2022		Finance Director Approval <i>[Signature]</i>
Assistant City Manager Approval _____	City Attorney Approval <i>/ Reginald B. McClendon</i>	City Manager Approval <i>Tamara S. Taylor</i> 2/17/2022

**A RESOLUTION BY THE CITY AUTHORIZING THE GRANT APPLICATION FOR A COMMUNITY
DEVELOPMENT ASSISTANCE PROGRAM STUDY TO CONDUCT A HOUSING STUDY FOR THE CITY OF
SOUTH FULTON AND 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 Community Development Assistance Program (CDAP) program offered by the Atlanta Regional Commission (ARC) awards planning assistance to local governments, CIDs, and non-profits across the metro Atlanta region to undertake local planning activities that advance the goals of the Atlanta Region's Plan;

WHEREAS, the City of South Fulton has been awarded multiple CDAP grants since the City's founding;

WHEREAS, the City of South Fulton has some of the most undeveloped land in metro Atlanta;

WHEREAS, the City of South Fulton is committed to ensuring that development is focused, intentional, based on community need, and supportive of a vibrant and thriving community;

WHEREAS, much like the rest of the metro Atlanta region and other parts of the country, South Fulton is facing a housing affordability challenge that requires a strategic approach toward housing policy in support of a healthy housing market;

WHEREAS, this study would build on the Housing Subarea Analysis created by ARC in 2018 and incorporate real estate market analysis;

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. The City Council expresses its full support for the grant application to the Atlanta Regional Commission for the purpose of conducting a housing study for the City of South Fulton and authorizes the City Manager and staff to execute all appropriate documents in pursuit thereof.

Section 2. The City of South Fulton will provide the required contribution of \$10,000 for the CDAP program for a housing study project, should grant funds be awarded.

Section 3. 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 4. 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 5. 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]

The foregoing Resolution No. 2022-0xx was offered by on _____ 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
khalid kamau, Mayor	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis, Mayor Pro Tem	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2022. CITY OF SOUTH FULTON, GEORGIA

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution By The City Of South Fulton, Georgia, Authorizing The Mayor Or His Designee To Execute An Agreement With Stonewall Tell Home Builder, Inc., For The Purpose Of Accepting Funds For Right-Of-Way Improvements And Intersection Realignment At The Intersection Of Stonewall Tell Road And Campbellton Road On Behalf Of The Public Works Department; All Funds Received To Be Deposited Into The Public Works Department Budget

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution By The City Of South Fulton, Georgia, Authorizing The Mayor Or His Designee To Execute An Agreement With Stonewall Tell Home Builder, Inc., For The Purpose Of Accepting Funds For Right-Of-Way Improvements And Intersection Realignment At The Intersection Of Stonewall Tell Road And Campbellton Road On Behalf Of The Public Works Department; All Funds Received To Be Deposited Into The Public Works Department Budget

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Res2022 Stonewall Tell Home Builders Agreement (RM 2.10.22)	Cover Memo	2/18/2022
Construction Transfer Agreement draft3rev2	Cover Memo	2/18/2022
COSF Memorandum FIS Stonewall Tell Home Builders Resolution	Cover Memo	2/18/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RES2022-_____

A RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH STONEWALL TELL HOME BUILDERS, INC, FOR THE PURPOSE OF ACCEPTING FUNDS FOR RIGHT-OF-WAY IMPROVEMENTS AND INTERSECTION REALIGNMENT AT THE INTERSECTION OF STONEWALL TELL ROAD AND CAMPBELLTON ROAD ON BEHALF OF THE PUBLIC WORKS DEPARTMENT; ALL FUNDS RECEIVED TO BE DEPOSITED INTO THE PUBLIC WORKS DEPARTMENT BUDGET; AND FOR OTHER PURPOSES.

(Sponsored by)

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

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

WHEREAS, the City Council desires to authorize the Mayor, or his designee, to execute an Agreement with Stonewall Tell Home Builders, Inc. ("Stonewall Tell"), to accept funds in the amount of \$321,784.40, for right-of-way improvements and intersection realignment in conjunction with Rockhaven's development at the intersection Stonewall Tell Road and Campbellton Road; and

WHEREAS, the Agreement will include an additional twenty five percent (25%) contingency fee for any cost overruns related to the project, and an additional five percent (5%) project management fee to be retained by the City; and

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOLVES as follows:

Section 1. The Mayor of the City of South Fulton, Georgia, or his designee, is authorized to execute an Agreement with Stonewall Tell Home Builders, Inc., in a form substantially the same as Exhibit "A", on behalf of the Public Works Department, for the purpose of accepting and applying funds to the right-of-way improvements and intersection realignment at the intersection of Stonewall Tell Road and Campbellton Road.

Section 2. The City Attorney is directed to further negotiate and prepare all appropriate documents for execution by the Mayor, or his authorized designee.

Section 3. 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, 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 4. All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

CONSTRUCTION TRANSFER AGREEMENT

THIS AGREEMENT, made this ____ of _____, 2022, by and between the CITY OF SOUTH FULTON, GEORGIA, a political subdivision of the State of Georgia whose address is 5440 Fulton Industrial Boulevard, Suite A, Atlanta, GA 30336, hereinafter called the “CITY,” and Stonewall Tell Home Builders, Inc., a Georgia corporation, whose address is 4062 Peachtree Road, NE, Suite A #2777, Atlanta, GA 30319, hereinafter called “Stonewall Tell Home Builders.”

SCOPE OF PROJECT

The City will engage in right-of-way improvements and realignment at the intersection of Stonewall Tell Road and Campbellton Road. The Project will include the construction of a portion of roadway on the private parcel owned by Stonewall Tell Home Builders, traffic signal installation in the right-of way, sidewalk construction, and other necessary improvements. The full scope of the project is included here in Exhibit “A”. The purpose of this Agreement is to outline the construction, payment, and transfer of the referenced improvements.

RECITALS

WHEREAS, Stonewall Tell Home Builders proposes to construct a townhome project in the City of South Fulton, Georgia, on a parcel (or parcels) adjacent to the intersection of Stonewall Tell Road and Campbellton Road; and

WHEREAS, the CITY is engaging in certain right-of-way improvements and intersection realignment activities at the intersection of Stonewall Tell Road and Campbellton Road, which said improvements will coincide with the construction of Stonewall Tell Home Builders project; and

WHEREAS, due to the construction of the Stonewall Tell Home Builders project, it will become necessary to make certain adjustments, connections, or additional installation of transportation facilities of the CITY, the cost of which shall be determined in accordance with Articles 6, 7, & 8 below; and

WHEREAS, Stonewall Tell Home Builders has requested that the CITY include the adjustment, connection or installation of transportation facilities in its construction contract as shown on the attached plans; and

WHEREAS, this Agreement being for the sole purpose of providing a contractor for work performed on the CITY'S transportation facilities for the benefit of the Stonewall Tell Home Builders project, Stonewall Tell Home Builders shall bear the cost of said work to be determined as hereinafter set forth; and

WHEREAS, the preliminary engineering, including preparation of detailed plans and contract estimate for adjustment of the facilities described above have been accomplished by the CITY; and

WHEREAS, the plans for the work have been approved by both the CITY and Stonewall Tell Home Builders prior to commencing work.

AGREEMENT

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties hereinafter set forth, it is agreed:

1.

All construction engineering and contract supervision shall be the responsibility of the CITY and the CITY shall be responsible to assure that all work is accomplished in accordance with plans and specifications and to consult with Stonewall Tell Home Builders or Stonewall Tell Home Builders consultant before authorizing any changes or deviations which affect the CITY'S facility.

2.

It is specifically understood that the project number shown above is for the CITY'S identification purposes only and may be subject to change by the CITY. In the event it becomes necessary for the CITY to assign a different project number, the CITY shall notify Stonewall Tell Home Builders of the new project designation. Such change in project designation shall have no effect whatsoever on any of the other terms of this Agreement.

3.

The CITY shall include in its contract for this project all work necessary to accomplish the adjustment of the transportation facilities as shown on the highway plans along with the necessary specifications to assure that the work conforms to sound construction practices.

4.

In the event it becomes necessary to add pay items that are not provided for in the contract, the CITY shall negotiate prices with the contractor and enter into a supplemental agreement with the contractor for completion of the additional items. Upon notification, Stonewall Tell Home Builders shall furnish a check for the additional cost as determined in Article 8 below.

5.

The CITY shall furnish on the project the construction engineering inspection and testing by its own forces required to assure that the work is done in accordance with the plans, specifications and special provisions.

6.

The CITY shall include in its highway contract those items shown as "materials" for permanent installation on the aforesaid plans. The price bid for the appropriate items shall include all labor, materials and incidentals necessary to complete the work. The cost of the requested work shall be

determined from unit quantities and unit prices as shown in the CITY'S tabulation of bids. The approximate non-binding pre-let estimate, not including betterment, is **\$321,784.40** based on the CITY'S estimate attached hereto of which the CITY shall bear **\$0.00 or 0% and Stonewall Tell Home Builders shall bear \$321,784.40 or 100%.**

7.

It is mutually agreed that Stonewall Tell Home Builders will pay the City an additional 5% management fee for the performance of the Project. It is further mutually agreed that Stonewall Tell Home Builders will pay an additional 25% contingency fee, which will be refundable, either in whole or part, if not utilized.

8.

After the project has been completed, the CITY shall determine the final cost to be borne by Stonewall Tell Home Builders and, as the case may be, shall refund to Stonewall Tell Home Builders in the amount of the difference between the final cost to be borne by Stonewall Tell Home Builders and the amount which the Stonewall Tell Home Builders has previously paid to the CITY. In the event a refund is due to Stonewall Tell Home Builders, the CITY agrees to pay Stonewall Tell Home Builders within sixty (60) after the refund amount is determined or final acceptance is made by the CITY.

9.

The City will issue electronic final As-builts drawings to Stonewall Tell Home Builders, and it will be Stonewall Tell Home Builders responsibility to include that information as a part of their final plat request. If GDOT improvements are not installed prior to submittal of final plat, developer shall install a gravel fire/emergency access drive to Campbellton Road for final plat approval. Said gravel road will satisfy the fire access requirement until GDOT improvements are complete.

10.

The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

11.

It is mutually agreed between the parties hereto that this document shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.

12.

This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same

Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Any party providing an electronic signature agrees to promptly execute and deliver to the other parties an original signed Agreement upon request.

RIGHT OF ENTRY

14.

For the purposes of this section of the Agreement, Stonewall Tell Home Builders shall be referred to as "Licensor" and the City shall be referred to as "Licensee"

15.

Licensor hereby grants Licensee a limited right of entry onto the Property for the purposes of performing said Project.

CITY:

CITY OF SOUTH FULTON,
a political subdivision of the State of Georgia

By: _____
Mayor Khalid Kamau

Attest: _____
Corey Adams, City Clerk

Approved As To Form:

City Attorney

Notice Address:
City of South Fulton
Attention: Corey Adams
5440 Fulton Industrial Blvd. SW
South Fulton, GA 30336
Email: Corey.adams@cityofsouthfultonga.gov

With a copy to:
City of South Fulton
Attn: Vincent D. Hyman, City Attorney
5440 Fulton Industrial Blvd. SW
South Fulton, GA 30336
Email: vincent.hyman@cityofsouthfultonga.gov

Stonewall Tell Home Builders, Inc.

By: _____

Name: Stonewall Tell Home Builders, Inc.

Title: President

Attest: _____

Name:

With a copy to:
Stonewall Tell Home Builders, Inc.
Attn: Brad Hughes
4062 Peachtree Rd NE A#277
Atlanta GA 30319
Email: bhughes@rockhavenga.com

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: February 14, 2022
SUBJECT: Stonewall Tell Home Builders Resolution

CONCLUSION

No direct funds are being requested.

BACKGROUND

The city desires to authorize the Mayor or his designee to execute an agreement with Stonewall Tell Home Builders Inc., for the purpose of accepting funds for right-of-way improvements and intersection realignment at the intersection of Stonewall Tell Road and Campbellton Road on behalf of the Public Works Department.

FINANCIAL IMPACT

The proposed resolution as written will have a positive financial impact on the City's budget, in the amount of approximately \$16,090 (5% of the Construction Cost Estimate of \$321,784.40 from the management fee).

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: U21-006: Council to consider a special use permit for a nail salon at 3220 Butner Rd. Suite 136

DATE: February 22, 2022

SUBJECT: U21-006: Council to consider a special use permit for a nail salon at 3220 Butner Rd. Suite 136

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
U21-006_Special Use Permit (D2)	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date 2/22/2022		
Requesting Department Community Development and Regulatory Affairs		Council District(s) Affected 2
Requested Action Request council approval of Special Use Permit for a nail salon.		
Requirements for Council Action (City specific Council policy, statute or code requirement) The zoning code adopted December of 2020 requires that businesses offering personal care services including nail salons obtain special use permits to operate.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) Staff recommends council approval. There was previously a nail salon at this location under a different name. The business license for that site expired in 2020. According to the code, if a non-conforming business ceases operations for a period longer than 6 months, the applicant is required to come into compliance with the code. Per the zoning code adopted by council in December of 2020, nail salons are one of the personal care services that require special use permits to operate.		
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 Rebecca Keefer Digitally signed by Rebecca Keefer Date: 2022.01.27 09:56:42 -05'00'		Finance Director Approval
Assistant City Manager Approval 	City Attorney Approval 	City Manager Approval 2/14/2022

GOVERNMENT OF THE CITY OF SOUTH FULTON



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Mayor and City Council
FROM: Planning & Zoning Division
SUBJECT: U21-006, 3220 Butner Road Ste. 136
MEETING DATE: February 22, 2022

The applicant seeks a special use permit for a nail salon located on Butner Road.

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDATION: Approval

cc: Corey Adams, City Clerk

APPLICATION INFORMATION

Applicant Information:	Thao Hua 1163 Ponderosa Park Drive Forest Park, GA 30297
Status of Applicant:	Business Owner
City Council District(s):	District 2
Parcel ID Number:	14F0073LL094
Area of Property:	3.3608 Acres
Current/Past Use of the Property:	Nail Salon
Prior Zoning Cases/History:	2002Z-0012 Rezoning from R-2 & R-3 to MIX, APPROVED
Surrounding Zoning:	South: CUP (Community Unit Plan District) North: CUP (Community Unit Plan District) East: CUP (Community Unit Plan District) & R-4 (Single-Family Dwelling District) West: AG-1 (Agricultural District) & R-4 (Single-Family Dwelling District)
2035 Future Land Use Designation:	<u>Character Type:</u> Community Live Work <u>Land Uses:</u> Live-Work Regional, Community Public, Semi-Public, Institutional, Open Space <u>Zonings:</u> MIX, C-1, C-2, O-I
Compatibility to the Fulton County 2035 Comprehensive Plan:	Yes. The proposal is part of a commercial development as the Regional Live-Work category is intended. A Future Land Use amendment is not necessary.
Overlay District:	Cliftondale
Public Utilities:	Water service is provided to these sites by City of Atlanta.
	Sewer Service is provided by Fulton County
Public Services:	Police and fire services are available to the site by the City of South Fulton.

Transportation:

Street: Butner Road.

Classification: Minor Arterial Local Road

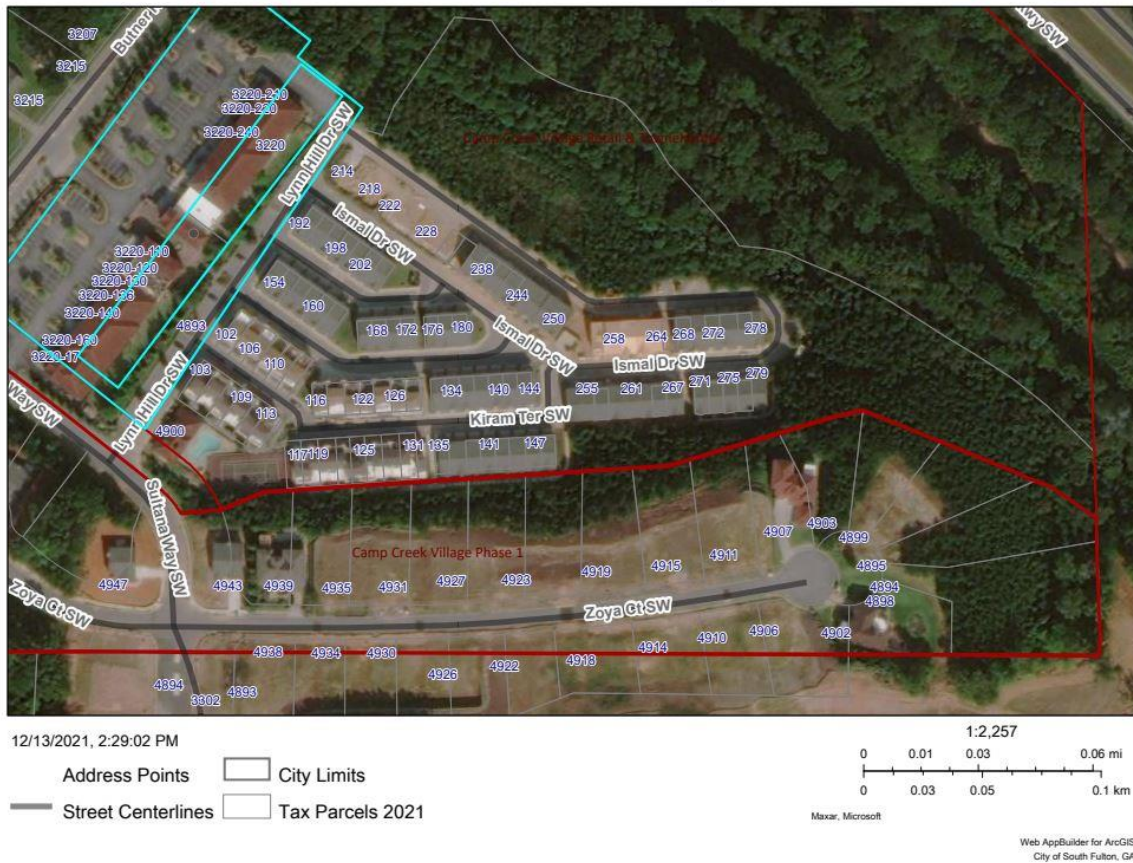
Public Transit: The address is not served by MARTA

Bike/Pedestrian Access: There are sidewalks along the frontage of the development only.

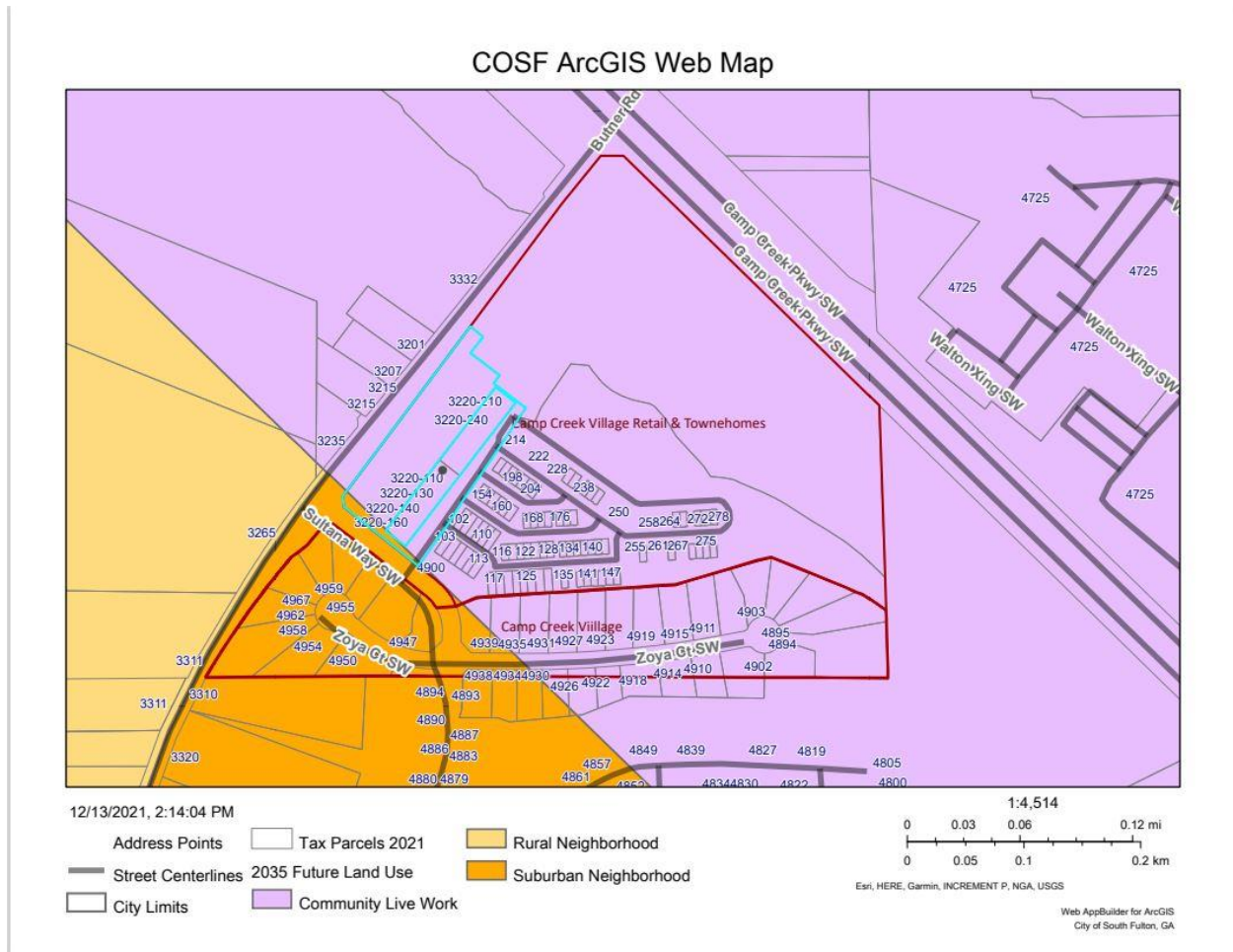
Parking Required (Retail/Service Stations): Parking Required: 5 spaces

AERIAL VIEW

COSF ArcGIS Web Map

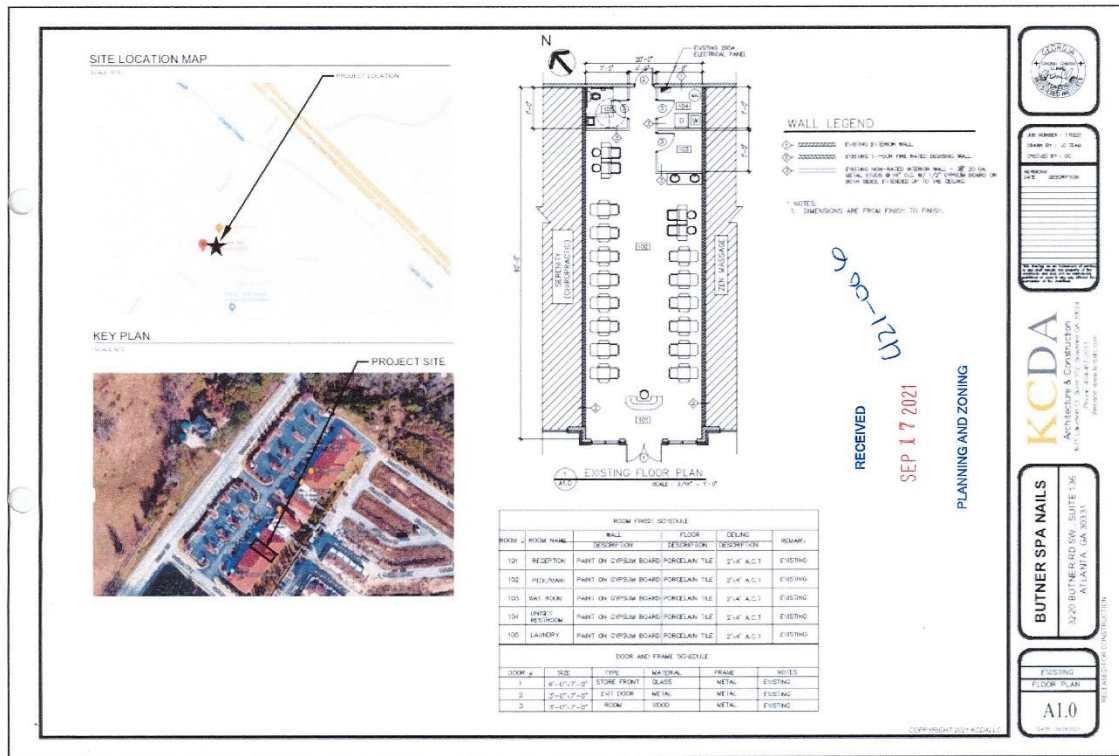


FUTURE LAND USE MAP



U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 6 of 20

PROPOSED FLOOR PLAN & SITE PLAN



PUBLIC PARTICIPATION

The public participation report was not submitted.

USE PERMIT STANDARDS FOR A NAIL SALON

The MIX District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which compliment a transition into a more intense activity area.

USE PERMIT CONSIDERATIONS

Staff is including the specific considerations for a use permit to be granted in an effort to assist City officials in considering the application and its merits. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use. These considerations include:

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 7 of 20

1. Is the proposed use consistent or inconsistent with the Comprehensive Plan?

The proposed use is consistent with the Comprehensive Plan. The nail salon is a commercial use along an active corridor, as the Community Live-Work category intended.

2. Is the proposed use consistent with supplemental plans adopted by the City Council, such as/or revitalization or economic development plans?

The proposed use is consistent with all plans adopted by the City that are relevant to this area.

3. Is the proposed use compatible with adjacent land uses and zoning districts?

Yes. The subject parcel is zoned MIX (Mix Use District), and the use is compatible with the surrounding area.

4. Does the proposed use violate local, state and/or federal statutes, ordinances or regulations governing land development?

No. The property does not violate local, state, or federal statutes.

5. What is the effect of the proposed use on vehicular and pedestrian traffic flow and safety, along adjoining streets?

The proposed use will have negligible effect on traffic flow along Butner Road and surrounding streets. This business will be open during the day and will not impede traffic.

6. Is the open space adequate to preserve the character of the area and reduce environmental impacts?

The proposed nail salon will be in an existing commercial building which has open space that met the open space requirements at the time of development.

7. Is the screening adequate to protect adjacent uses from any negative impacts of the proposed use?

The proposed nail salon does not require screening; however, the commercial plaza is slightly up a hill and set back a significant amount of distance from the street.

8. Can outdoor lighting be used so as not to interfere with surrounding uses?

The parcel is currently served by outdoor lighting within the commercial development. No additional changes are proposed.

9. Are the hours and manner of operation of the proposed use compatible with surrounding uses?

The applicant did not provide this information.

10. Does ingress and egress to the property reduce negative impacts of the proposed use or enhance safety?

The development where the business is situated currently has two means of ingress and egress on Butner Road and on Sultana Way.

11. Will the number, size and type of signs proposed for the site have any negative impact on traffic or surrounding property uses?

The proposed signs will be required to comply with the City's sign ordinance and any applicable overlay requirements. Signs permitted by the ordinance are not anticipated to have adverse impacts on the public.

12. Are off-street parking spaces adequate? Will they be properly located to reduce any negative impact on surrounding property uses?

The code requires 5 spaces based on the square footage of his business. The site has more than 5 spaces available.

13. Does the use have sufficient space to operate its activities?

Yes, there is sufficient space to operate a nail salon. The proposed size of the use is comparable to other similar uses.

14. Are there any negative environmental impacts which should be considered, for example, topography, special geological features, soil, water runoff, air pollution, water pollution or contamination, wetlands, etc.?

No, there are not any known environmental impacts demonstrated by the proposed use. This site is existing, so the site will not be significantly altered with the introduction of the proposed use.

STAFF COMMENTS

Engineering: Requested information, none provided.

Fulton County Public Works (Sewer): Requested information, none provided.

Transportation: No Comments Provided

MARTA: Marts Does not provide service for this area.

Fulton County Schools: N/A

Fire: The business is subject to fire inspections and must abide by all fire regulations.

PLANNER'S RECOMMENDATION

This nail salon will be a new service to the area. There are no other nail salons in close proximity to this plaza.

Staff recommendation is **Approval**

PLANNING COMMISSION RECOMMENDATION: Approval

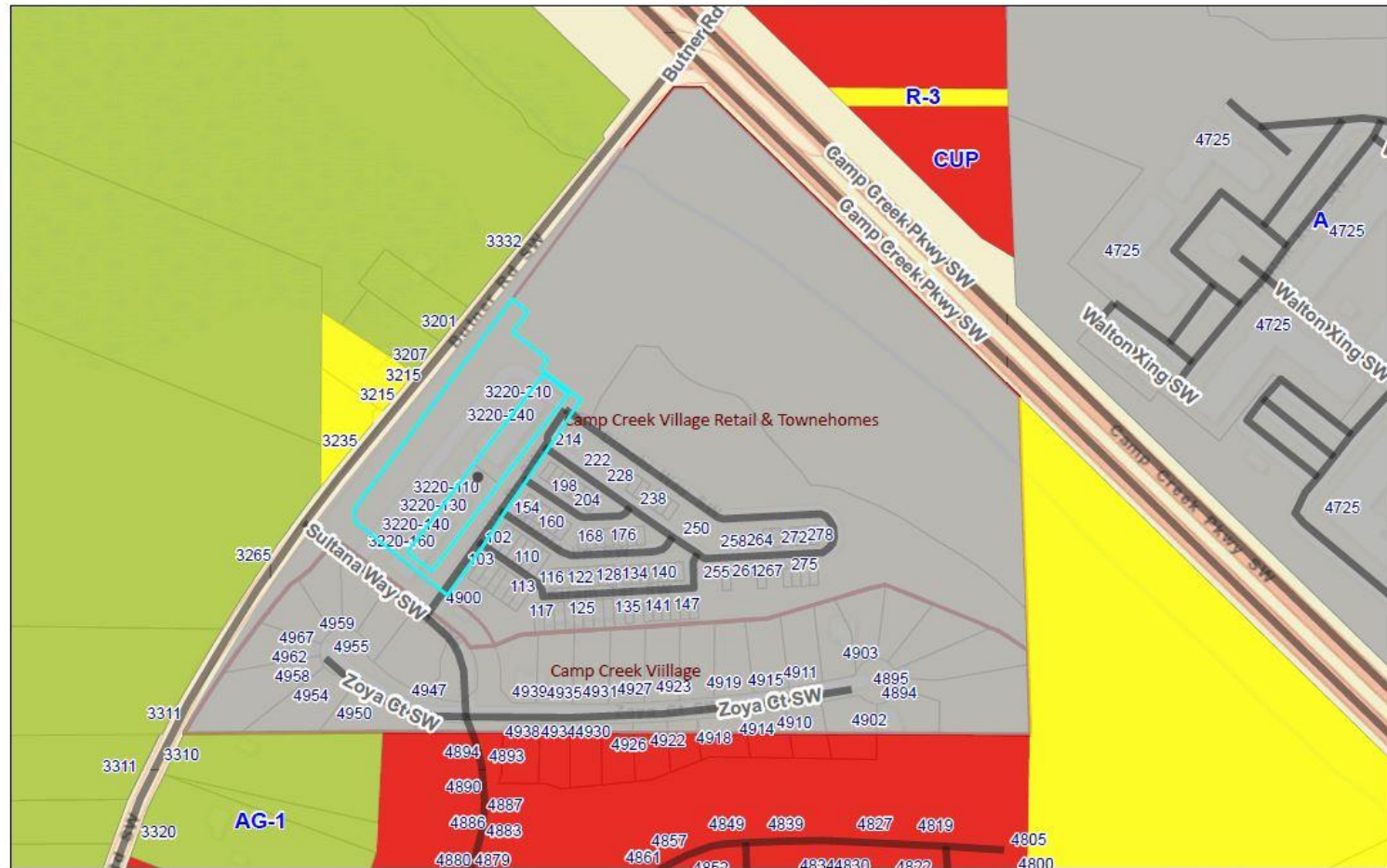
PREPARED BY: Dana Gray, Planner

REVIEWED BY: Marissa Jackson, Senior Planner

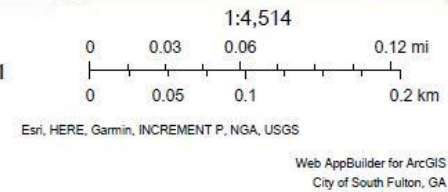
APPENDIX A

Zoning Map

COSF ArcGIS Web Map



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U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 12 of 20

APPENDIX B

Aerial View

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 13 of 20

COSF ArcGIS Web Map



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Address Points
Street Centerlines
City Limits
Tax Parcels 2021

1:2,257
0 0.01 0.03 0.06 mi
0 0.03 0.05 0.1 km
Maxar, Microsoft

Web AppBuilder for ArcGIS
City of South Fulton, GA

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 14 of 20

APPENDIX C

Future Land Use

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 15 of 20

[illegible]

Address Points Tax Parcels 2021 Rural Neighborhood
Street Centerlines 2035 Future Land Use Suburban Neighborhood
City Limits Community Live Work

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

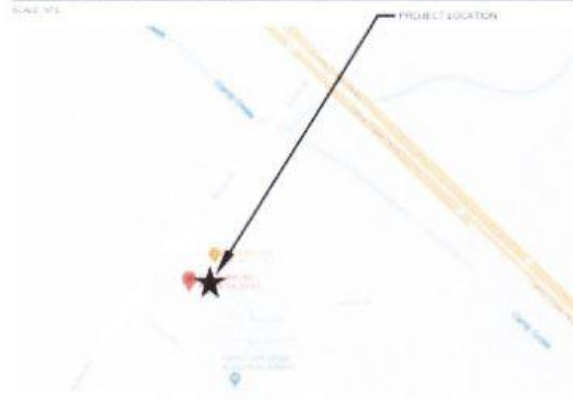
Web AppBuilder for ArcGIS
City of South Fulton, GA

APPENDIX D

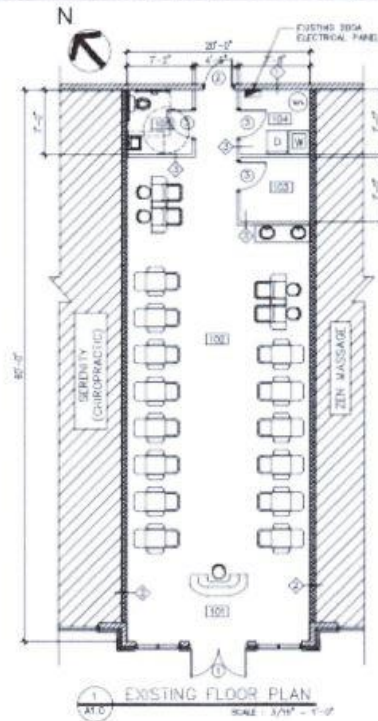
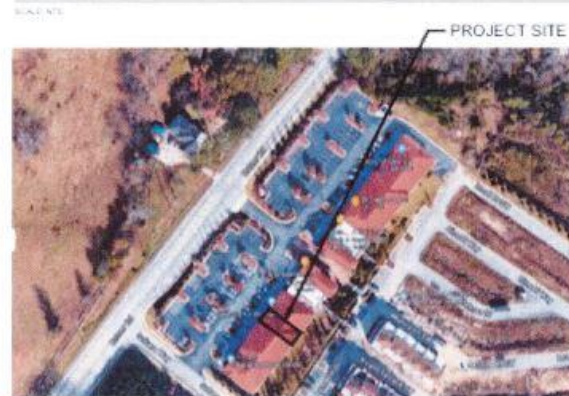
Site Plan

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 17 of 20

SITE LOCATION MAP



KEY PLAN



WALL LEGEND

- EXISTING EXTERIOR WALL
- EXISTING 1-HOUR FIRE RATED EXTERIOR WALL
- EXISTING NON-RATED INTERIOR WALL - 3/4" Gypsum Board on 2x4 studs @ 16" O.C. w/ 1/2" gypsum board on 2x4 studs, finished up to the ceiling.

NOTES:
1. DIMENSIONS ARE FROM FINISH TO FINISH.

U21-006

RECEIVED

SEP 17 2021

PLANNING AND ZONING

ROOM FINISH SCHEDULE					
ROOM #	ROOM NAME	WALL DESCRIPTION	FLOOR DESCRIPTION	CEILING DESCRIPTION	REMARKS
101	RECEPTION	PART ON GYPSUM BOARD/PORCELAIN TILE	2"x4" A.C.1	EXISTING	
102	PEX/MAINT	PART ON GYPSUM BOARD/PORCELAIN TILE	2"x4" A.C.1	EXISTING	
103	BAY ROOM	PART ON GYPSUM BOARD/PORCELAIN TILE	2"x4" A.C.1	EXISTING	
104	UNION MEETING ROOM	PART ON GYPSUM BOARD/PORCELAIN TILE	2"x4" A.C.1	EXISTING	
105	LAUNDRY	PART ON GYPSUM BOARD/PORCELAIN TILE	2"x4" A.C.1	EXISTING	

DOOR AND FRAME SCHEDULE					
DOOR #	SIZE	TYPE	MATERIAL	FRAME	NOTES
1	6'-0" x 7'-0"	STORE FRONT	GLASS	METAL	EXISTING
2	3'-0" x 7'-0"	EXIT DOOR	METAL	METAL	EXISTING
3	3'-0" x 7'-0"	ROOM	WOOD	METAL	EXISTING

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APPENDIX E

Public Participation Report

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 19 of 20



**PUBLIC PARTICIPATION PLAN REPORT
FORM E**

Applicant: **Thao Hua** Petition No. _____
Date: **1/04/2022**

1. The following parties were notified of the requested rezoning/use permit:
**People within the surrounding of
Butner Spa Nails**
2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)
**December 4, 2021 at 12pm via
zoom meeting**
3. The following issues and concerns were expressed:
The overall increased pricing
4. The applicant's response to issues and concerns was as follows:
**To make discounts for the
upcoming holidays**
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.

15 of 20

U21-006 for a Use Permit at 3220 Butner Road
February 22, 2022
Page 20 of 20

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: U21-007: Council to consider a special use permit for Cosmetology salon suites. 7580 Springbox Drive

DATE: February 22, 2022

SUBJECT: U21-007: Council to consider a special use permit for Cosmetology salon suites. 7580 Springbox Drive

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
U21-007_Special Use Permit (D4)	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date 2/22/2022		
Requesting Department Community Development and Regulatory Affairs	Council District(s) Affected 4	
Requested Action Request for council to approve U21-007, a Special Use Permit for cosmetology salon suites at 7450 Springbox Drive Suites 250-260.		
Requirements for Council Action (City specific Council policy, statute or code requirement) Staff recommends Council Approval.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) The applicant would like to open a business for cosmetology salon suites. The business model included seven salon suites that will be occupied by licensed cosmetologist offering the following services: hair salon services, barber services, lash extension services, eyebrow services, make-up services, waxing services, and facials. This item was deferred on January 25, 2022 so that the council-member could gain additional information on the project.		
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 Rebecca Keefer Digitally signed by Rebecca Keefer Date: 2022.02.10 11:58:34 -05'00'		Finance Director Approval
Assistant City Manager Approval 	City Attorney Approval	City Manager Approval

GOVERNMENT OF THE CITY OF SOUTH FULTON



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Mayor and City Council
FROM: Planning & Zoning Division
SUBJECT: U21-007, 7580 Springbox Drive Ste 250-260
MEETING DATE: February 22, 2022

The applicant seeks a special use permit for salon suites.

STAFF RECOMMENDATION: Approval with Conditions

**PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITIONS
ON DECEMBER 15, 2021**

cc: Corey Adams, City Clerk

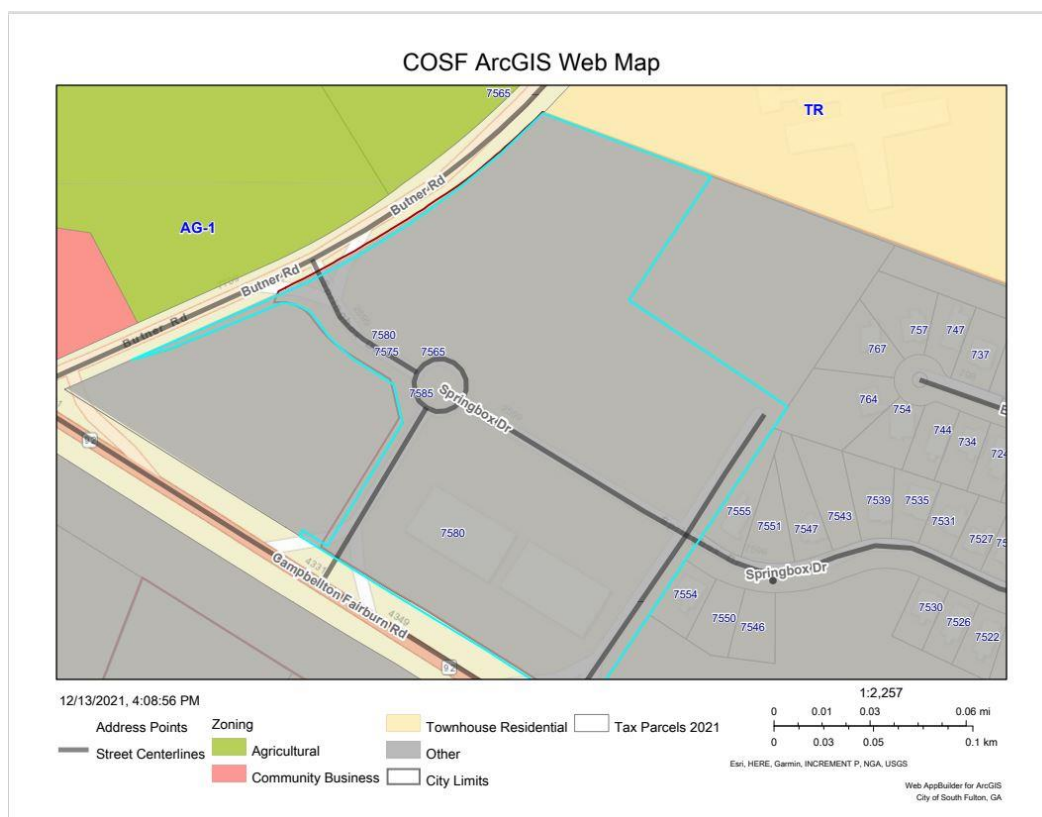
APPLICATION INFORMATION

Applicant Information:	Mercede Hightower 4030 Cranwood Drive College Park, GA 30349
Status of Applicant:	Business Owner
City Council District(s):	District 4
Parcel ID Number:	09C080000141127
Area of Property:	18.88 Acres
Current/Past Use of the Property:	Hair Salon
Prior Zoning Cases/History:	2003Z-0020 Rezoning from AG-1 to MIX APPROVED
Surrounding Zoning:	South: MIX (Mixed Use District) North: TR (Town House District) East: MIX (Mixed Use District) West: AG-1 (Agricultural District) & R-4 (Single-Family Dwelling District) C-1 (Light Commercial District)
2035 Future Land Use Designation:	<u>Character Type:</u> Local Live Work Neighborhood <u>Land Uses:</u> Live-Work Neighborhood, Public, Semi-Public, Institutional, Open Space <u>Zonings:</u> MIX, C-1, C-2, O-I
2035 Comprehensive Plan:	Compatibility to the Fulton County Yes. The proposal is part of a commercial development as the Regional Live-Work category is intended. A Future Land Use amendment is not necessary.
Overlay District:	Cliftdale
Public Utilities:	Water service is provided to these sites by City of Atlanta.

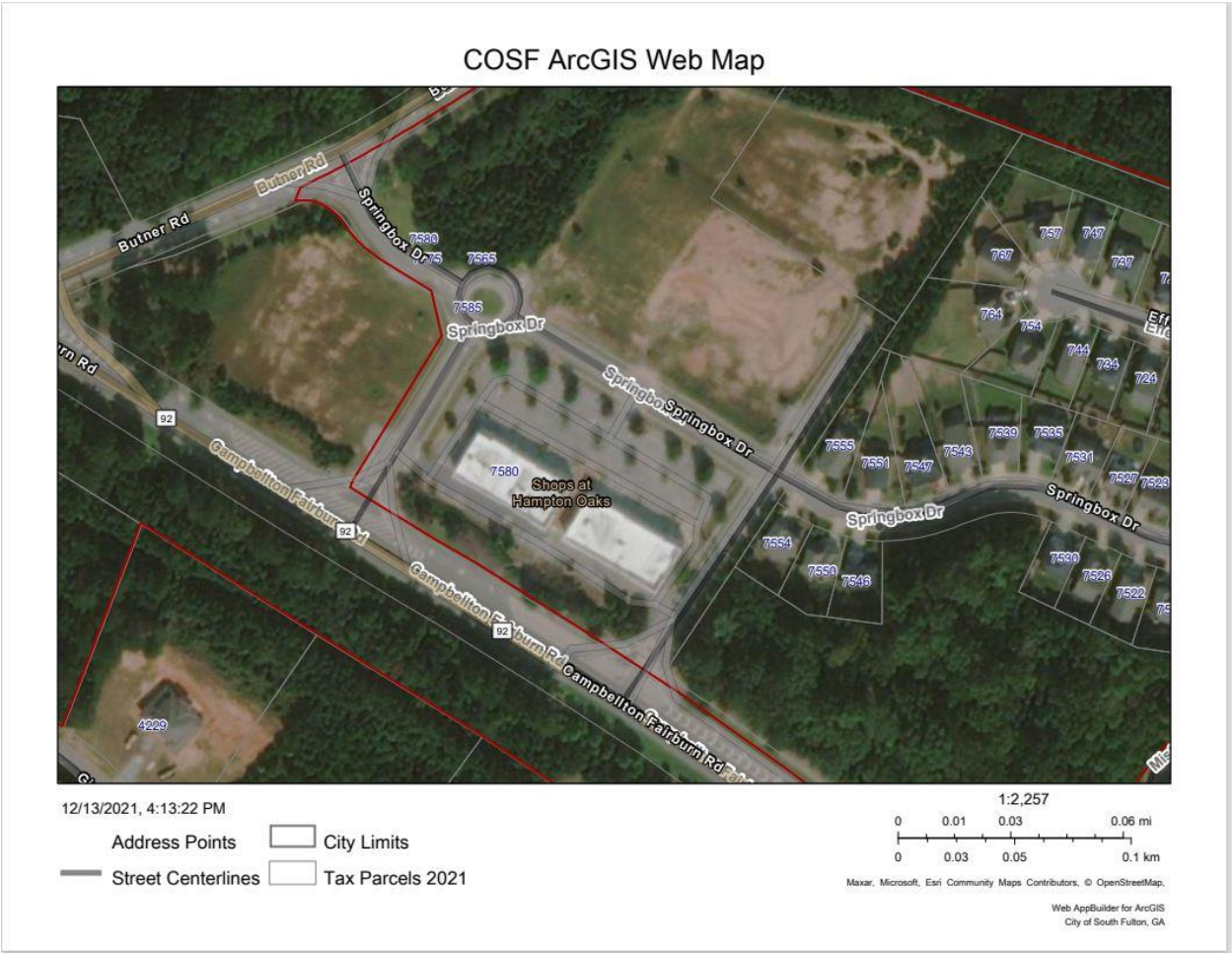
	Sewer Service is provided by Fulton County
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street</u>: Springbox. <u>Classification</u>: Interior Road to the development <u>Public Transit</u>: The address is not served by MARTA <u>Bike/Pedestrian Access</u>: There are sidewalks along the frontage of the development only.
Parking Required (Retail/Service Stations):	Parking Required: 11 spaces

MAPS

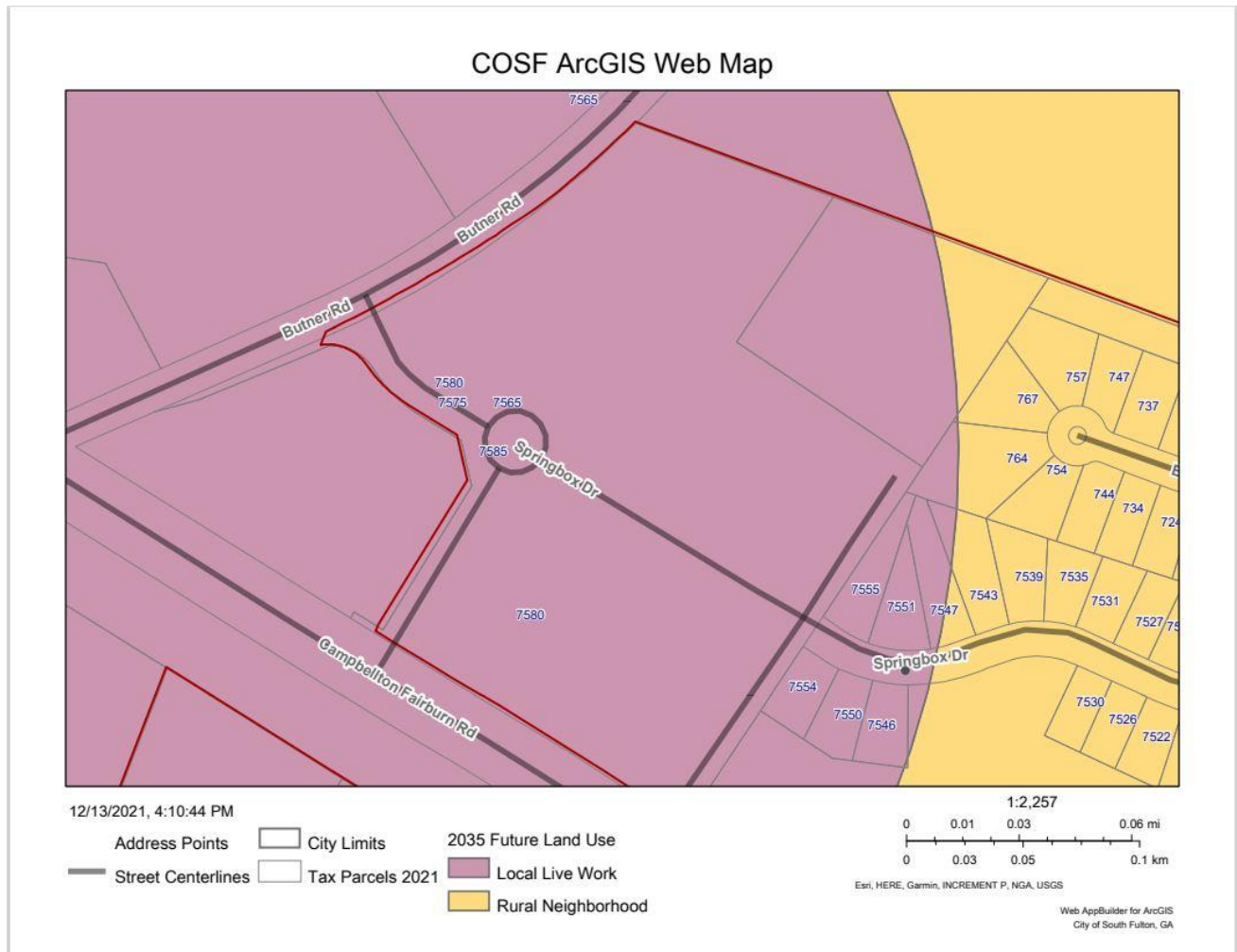
Zoning Map



City of South Fulton Aerial Map



Land Use Map



U21-007 for a Use Permit at 7580 Springbox Drive
February 22, 2022
Page 5 of 18

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SEP 22 2021 1707

121-007

LESLIE MINTZ
Leasing Agent
for
REGENCY CENTERS
404 575 3296
LeslieMintz@RegencyCenters.com

[illegible]

PUBLIC PARTICIPATION

A public meeting was held on November 8, 2021, at 6:00pm. The petitioner invited those in ¼ mile of the property. The attendees had no issues or concerns regarding the proposed hair salon. (Appendix A is attached)

USE PERMIT STANDARDS FOR A HAIR SALON

The MIX District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which compliment a transition into a more intense activity area.

USE PERMIT CONSIDERATIONS

Staff is including the specific considerations for a use permit to be granted in an effort to assist City officials in considering the application and its merits. In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use. These considerations include:

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by Mayor and Council;

Yes. The hair salon is a commercial use along an active corridor as the Local Live-Work category intended.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;

Yes. The subject parcel is zoned MIX (Mix Use District), and the use is compatible with the surrounding area.

3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;

No. The property does not violate local, state, or federal statutes.

4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

None. The proposed use will have negligible effect on traffic flow along Springbox Drive, Butner Road, Campbellton Fairburn Road and surrounding streets. This business will be open during the day and will not impede traffic.

5. The location and number of off-street parking spaces;

The code requires 11 spaces based on the square footage of the space within the building. The site has more than 11spaces available.

6. The amount and location of open space;

The proposed hair salon will be in an existing commercial building which has open space.

7. Protective screening.

The proposed hair salon does not require screening; however, the commercial plaza is buffered with small trees and shrubs.

8. Hours and manner of operation.

Tuesday-Friday 9:00am-6:00pm
Sunday-Monday: By appointment
Saturday: 8:00am – 4:00pm

9. Outdoor lighting.

The parcel is currently served by outdoor lighting within the commercial development.

10. Ingress and egress to the property.

The development where the business is situated currently has two means of ingress and egress on Butner Road and on Campbellton Fairburn Road.

STAFF COMMENTS

Engineering: Requested information, none provided.

Fulton County Public Works (Sewer): Requested information, none provided.

Transportation: No Comments Provided

MARTA: Marts Does not provide service for this area.

Fulton County Schools: N/A

Fire: The business is subject to fire inspections and must abide by all fire regulation

PLANNER'S RECOMMENDATION

The salon suites will be a new service to the area. There are no other salon suites near this area. Therefore, staff recommends approval with conditions.

Conditions: It is required that all individuals providing services are fully licensed cosmetologists. Within each suite, the cosmetologists are allowed to provide services customarily associated with the following uses: hair salon, nail salon, barber, make up, facials, body waxing, eyebrow maintenance, and lashes extensions.

Staff recommendation is **APPROVAL WITH CONDITIONS**

PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITIONS

PREPARED BY: Dana Gray, Planner

REVIEWED BY: Marissa Jackson, Senior Planner

APPENDIX A

PUBLIC PARTICIPATION REPORT

 **PUBLIC PARTICIPATION PLAN REPORT
FORM E**

Applicant: Mercede Hightower Petition No. _____
Date: 11/9/2021

1. The following parties were notified of the requested rezoning/use permit:
All individuals located at addresses within 1/4 mile
on the list provided (U21-007 Springbox) were notified.

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)
A zoom meeting was held on 11/8/2021 at
6:30 pm. Meeting ID: 748 1250 5100.

3. The following issues and concerns were expressed:
No issues or concerns were presented during the
meeting.

4. The applicant's response to issues and concerns was as follows:
There were no issues and/or concerns to address.

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.

15 of 20

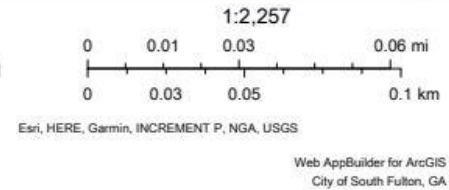
APPENDIX B ZONING MAP

COSF ArcGIS Web Map



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- | | | | |
|--------------------|--------------------|-----------------------|------------------|
| Address Points | Zoning | Townhouse Residential | Tax Parcels 2021 |
| Street Centerlines | Agricultural | Other | |
| | Community Business | City Limits | |



U21-007 for a Use Permit at 7580 Springbox Drive
February 22, 2022
Page 12 of 18

APPENDIX C

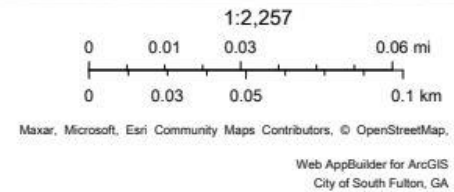
Aerial View

COSF ArcGIS Web Map



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Address Points City Limits
 Street Centerlines Tax Parcels 2021

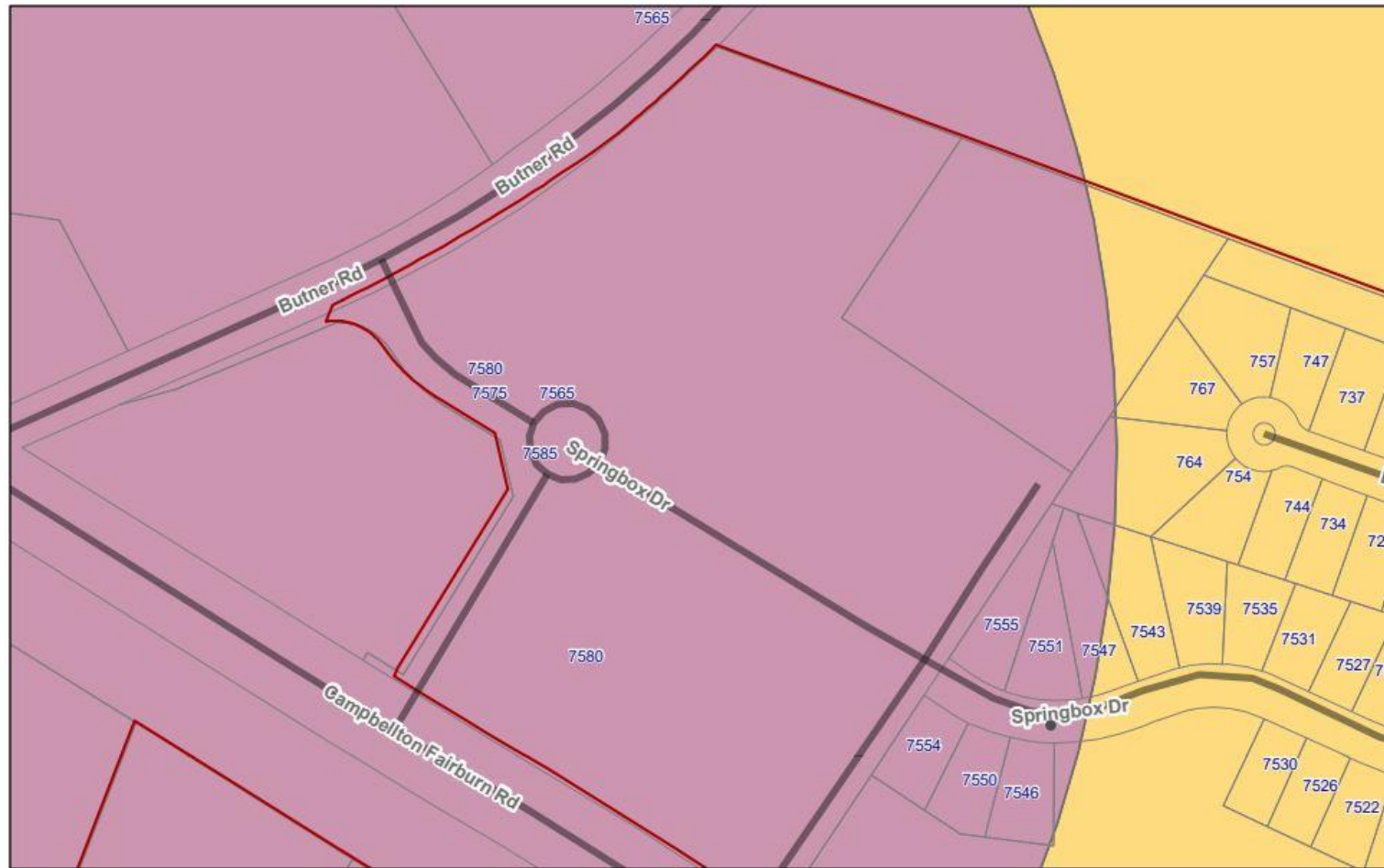


U21-007 for a Use Permit at 7580 Springbox Drive
 February 22, 2022
 Page 14 of 18

APPENDIX D

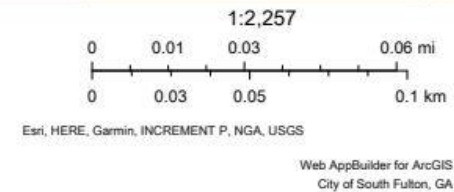
Future Land Use

COSF ArcGIS Web Map



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|--------------------|------------------|----------------------|
| Address Points | City Limits | 2035 Future Land Use |
| Street Centerlines | Tax Parcels 2021 | Local Live Work |
| | | Rural Neighborhood |

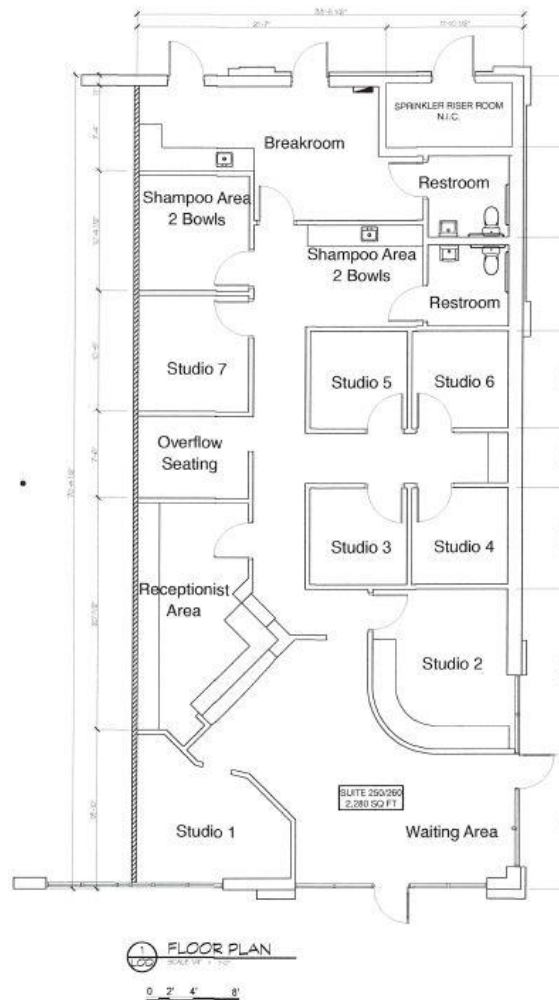


U21-007 for a Use Permit at 7580 Springbox Drive
February 22, 2022
Page 16 of 18

APPENDIX E

SITE PLAN

U21-007 for a Use Permit at 7580 Springbox Drive
February 22, 2022
Page 17 of 18



SEP 22 2021

U21-007

LESLIE MINTZ
Leasing Agent

for
REGENCY CENTERS

404 575 3296
LeslieMintz@RegencyCenters.com

 SAFFRAN KILPATRICK ARCHITECTS 6125 Cantonment Lane Marietta, Georgia 30066 Tel: 770 616-5818 Fax: 770 364-2280 info@saffran-kilpatrick.com www.saffran-kilpatrick.com		
LEASE OUTLINE DRAWING SHOPS at HAMPTON OAKS 7580 SPRINGBOX DRIVE SUITE 250-260 FAIRBURN, GA 30213		
ISSUE	DATE	DESCRIPTION
REGISTRATION CODE This drawing is the property of Saffran Kilpatrick Architects, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Saffran Kilpatrick Architects, Inc.		
DESIGNER AND ARCHITECT Saffran Kilpatrick Architects, Inc. 6125 Cantonment Lane Marietta, Georgia 30066 Tel: 770 616-5818 Fax: 770 364-2280 info@saffran-kilpatrick.com www.saffran-kilpatrick.com		
DATE OF ISSUE 02/22/2022		
PROJECT NO. 2021-007		
SCALE LOD		

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: M21-007 and CV21-007: Council to considerer a modification to allow 144 townhomes instead of the previously approved 114-unit townhomes, to reduce the minimum heated floor area from 2,000 square feet to 1800 square feet, and to revise the traffic conditions. Council to consider a concurrent variance to remove portions of the berm required by the Sandtown Overlay. 0 Campbellton Rd

DATE: February 22, 2022

SUBJECT: M21-007 and CV21-007: Council to considerer a modification to allow 144 townhomes instead of the previously approved 114-unit townhomes, to reduce the minimum heated floor area from 2,000 square feet to 1800 square feet, and to revise the traffic conditions. Council to consider a concurrent variance to remove portions of the berm required by the Sandtown Overlay. 0 Campbellton Rd

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
M21-007 CV21-007 final report 2.22.22	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date 2/22/2022		
Requesting Department Community Development and Regulatory Affairs	Council District(s) Affected 1	
Requested Action Request Council approval of modification request M21-007 and CV21-007.		
Requirements for Council Action (City specific Council policy, statute or code requirement) Staff recommends Council approval of M21-007 and CV21-007.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) Rockhaven Homes is requesting a modification of 4 conditions from Z2008-0023. The modified conditions will allow a maximum of 144 townhomes, change the minimum square footages from 2000 to 1650 and 1850, reference the updated site plan received by CDRA on February 10, 2022, and require coordination with GDOT for improvements to Campbellton Rd. The concurrent variance allows the petitioner to remove portions of the berm, if required by GDOT. The proposed conditions are attached in the staff report. Staff received a new site plan and new elevations from the applicant on January 11th that need to be considered. Staff received additional comments from the community and councilmember on January 13th and February 10th for consideration.		
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 Rebecca Keefer Digitally signed by Rebecca Keefer Date: 2022.01.18 10:56:57 -05'00'		Finance Director Approval
Assistant City Manager Approval 	City Attorney Approval	City Manager Approval 2/14/2022

GOVERNMENT OF THE CITY OF SOUTH FULTON



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: City of South Fulton Mayor and Council
FROM: Planning & Zoning Division
SUBJECT: **M21-007 and CV21-0076 for o Campbellton Rd.**
MEETING DATE: February 22, 2022

To consider a modification the zoning conditions **Z2008-0023 1a** to allow 144 townhomes.

To consider a modification to the zoning conditions **Z2008-0023 1c** to allow a minimum heated floor area of either 1650 or 1850 square feet instead of the previously approved 2000 square feet for the townhome product.

To consider a modification to the zoning conditions **Z2008-0023 2a** to reference the site plan received by CDRA on February 10, 2022.

To consider a modification to the zoning conditions **Z2008-0023 3a** to require coordination with GDOT for intersection improvements at Campbellton Rd. and Stonewall Tell Rd.

To consider a concurrent variance to remove portions of the required berm along Campbellton Rd pursuant to zoning code section 512.06 if required by GDOT.

STAFF RECOMMENDATIONS:

Approval with conditions:

Approval of the Modification request to allow 144 townhouses

Approval of modification to reduce the minimum heated floor area to either 1850 square feet or 1650 square feet

Approval of modification request to reference the updated site plan received by CDRA on February 10, 2022.

Approval of request to update requirements for intersection improvements

Approval of variance request for relief from the berm requirements if required by GDOT

cc: Corey Adams, Clerk

APPLICATION INFORMATION

Applicant Information:	Steve Rothman Overlook I, Suite 700 Atlanta GA 30339
------------------------	--

Status of Applicant:	Attorney
----------------------	----------

City Council District(s):	1
---------------------------	---

Parcel ID Number:	14F0139 LL0240
-------------------	----------------

Area of Property:	17.00
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Current/Past Use of the Property:	This property is currently undeveloped.
-----------------------------------	---

Prior Zoning Cases/History:

Z2003-0027 & CV2003-0041: Rezoning from Sub-A to TR for 215 attached single family dwelling units and a concurrent variance to reduce the side building separation from 40 feet to 20 feet.

M2007-013: Modification to allow 87 detached single family dwelling units at 2.752 dwelling units per acre, with a minimum lot size of 6000 square feet and a berm or landscape strip adjacent to Campbellton Rd.

Z2008-0023: Rezoning to allow 114 townhouse units, and no more than 23 single family detached dwelling units at a maximum density of 4.23 units per acre with a minimum lot size of 6000 square feet. The minimum heated floor area for the single-family homes was to be 2850 square feet, and the minimum heat floor area for the townhomes was to be 2000 square feet.

Surrounding Zoning:	<u>North:</u> Sub-A (Residential) <u>South:</u> R-4 (Residential) and CUP (Community Unit Plan: Residential) <u>East:</u> Sub-A (Residential) <u>West:</u> CUP (Community Unit Plan: Residential)
---------------------	--

2035 Future Land Use Designation:	<u>Character Type:</u> Community Live Work <u>Land Uses:</u> Public, Semi-Public & Institutional, Open Space <u>Zonings:</u> MIX, C-1, C-2, O-I, SH
-----------------------------------	---

Compatibility to the Fulton County 2035 Future Land Use Plan:
No. The proposal is not in compliance with the Future Land Use Plan. TR is not an allowed zoning district in the Community Live Work Land Use Category, but the current zoning designation is not proposed to change with this request.

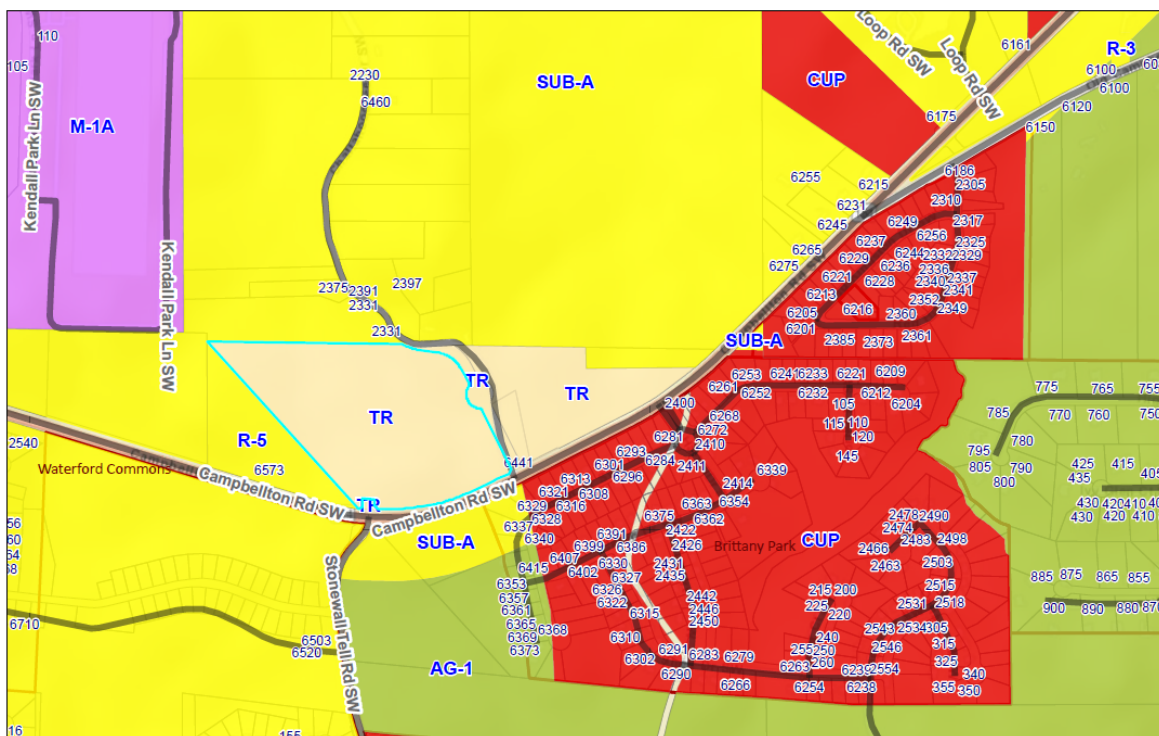
Overlay District:	Sandtown Overlay District
-------------------	---------------------------

Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County.
Public Services:	Police and Fire services are available to the site by the City of South Fulton.
Transportation:	Streets: Campbellton Rd. and Stonewall Tell Rd. Classification: Campbellton Rd. Minor Arterial (State Route), Stonewall Tell (Minor Arterial) Public Transit: MARTA bus service does not serve the site. The closet MARTA bus stop is route 73, north of the site, at the intersection of Fulton Industrial Blvd. and Riverside Drive. It is approximately 2.5 miles away.

MAPS:

City of South Fulton Zoning Map

COSF ArcGIS Web Map



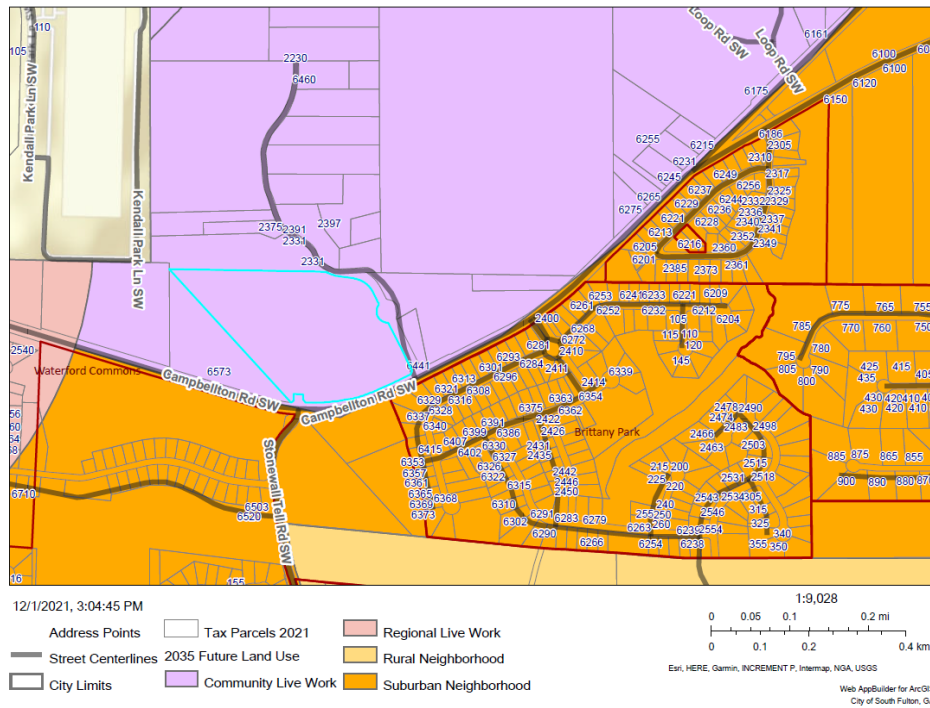
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Address Points Zoning Community Unit Plan City Limits
 Street Centerlines Single Family Dwelling Industrial Park Tax Parcels 2021
 Agricultural Townhouse Residential

1:9,028
 0 0.05 0.1 0.2 mi
 0 0.1 0.2 0.4 km
 Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS
 Web AppBuilder for ArcGIS
 City of South Fulton, GA

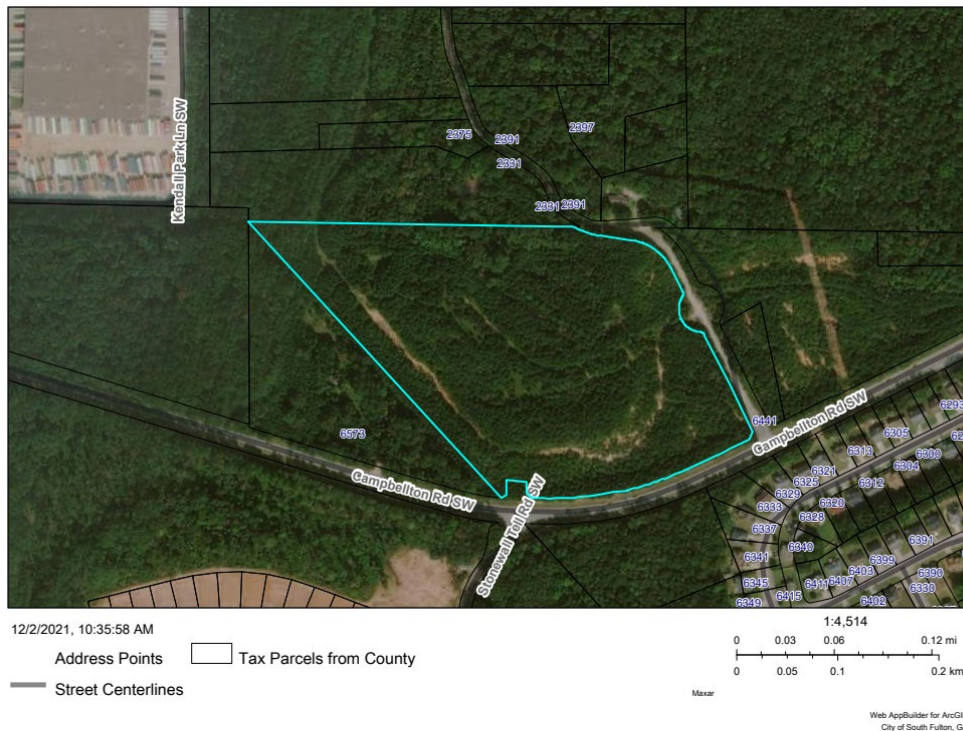
Future Land Use Map

COSF ArcGIS Web Map

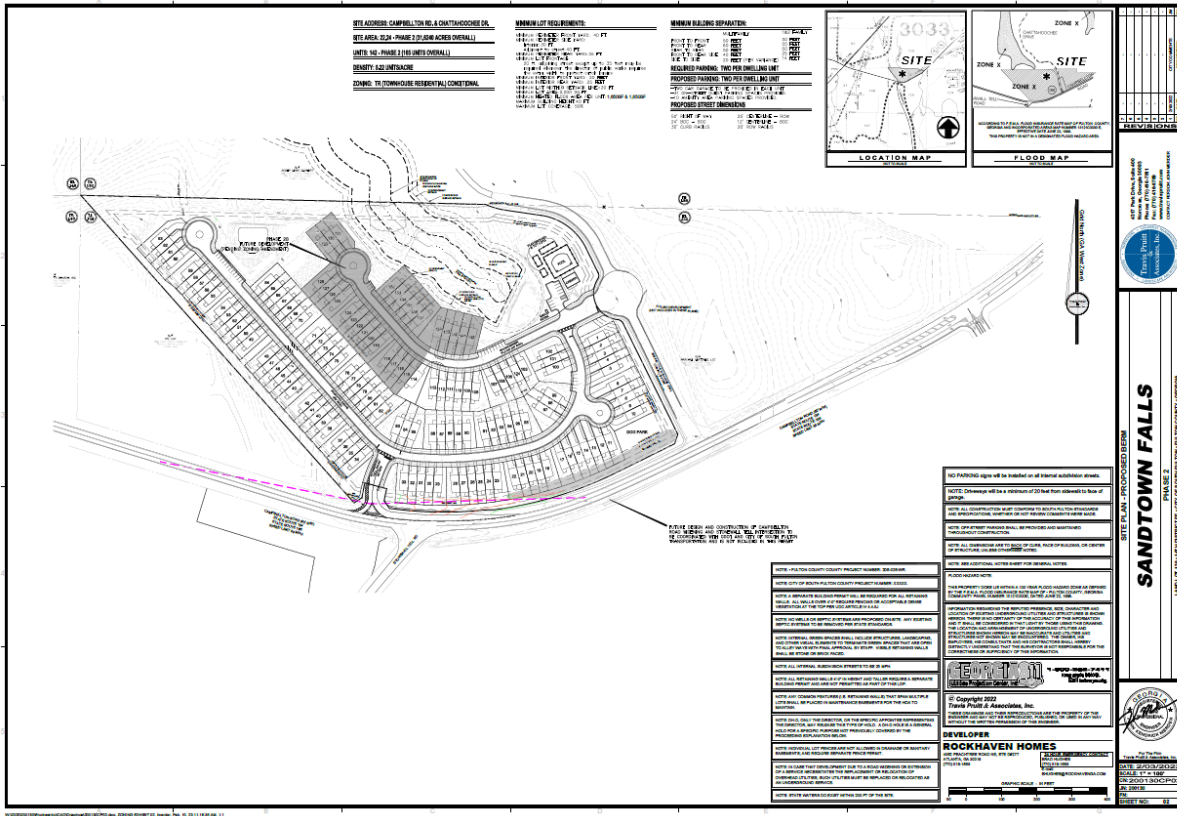


Aerial Map

COSF ArcGIS Web Map



Proposed Site Plan:



CONDITION(S) TO BE MODIFIED

The petitioner seeks to modify conditions:

- 1(a) to allow 144 townhomes instead of the previously approved 114 townhomes.
- 1(c) to change the minimum heated floor area for the townhomes from 2000 square feet to either 1650 square feet or 1850 square feet.
- 2 (a) to replace to previously approved site plan with the update provided to CDRA on February 10, 2022.
- 3 (a) to update the roadway dedication requirements along Campbellton Rd.

VARIANCE CONSIDERATIONS

Staff is including the specific conditions that must be considered for a variance to be granted to assist the decision-making body 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

An initial public participation meeting was held on November 23, 2021 at 6:00pm via zoom. Residents had questions concerning traffic congestions, sidewalks, and the price point of the proposed townhomes. The public participation report is attached.

The applicant held the following additional meetings:

- October 7, 2021–Sandtown Community Association – Issues of exterior façades of homes, size of amenity area, street lighting and on street parking were issues raised
- November 23, 2021- Rockhaven Hosted PPP meeting. Attended by KC and Brenda of Brittany Park. Questions and answers were exchanged regarding traffic congestion on Campbellton Road, Sidewalks along Campbellton Road, Road wear and tear on Campbellton Road
- December 2, 2021-Sandtown Community Association- Issues fine-tuned from previous meeting and responsive materials provided including new elevations, details of amenity area
- January 6, 2021-Sandtown Community Association-Additional materials presented to Group and feedback taken
- Additional feedback and correspondence with the community has occurred between the initial public hearing before City Council and now that has resulted in additional modifications to the site plan, elevations, and conditions to address concerns, including architectural style, parking, and proposed neighborhood amenities.

STAFF COMMENTS

Engineering: The engineering team noted that a different applicant had previously applied for a Land Disturbance Permit. Some of the infrastructure for the site, including streets and utilities were partially completed before the project was abandoned by a previous developer.

Fulton County Public Works (sewer): Requested information, none provided.

Transportation: There is a zoning requirement for the Sandtown Falls subdivision to install a raised berm along the right-of-way of Campbellton Road. The speed limit on Campbellton Road is 55 mph. City of South Fulton and GDOT require a sight distance of 610' from the entrance. The required berm would obstruct sight distance and create a safety hazard. Staff recommends revising the condition to require an opaque fence or planted buffer along the rear of Lots 23-33 in lieu of a berm in a location that will not interfere with site distance. On the attached drawings, the pink line is the required line of site. The gray area is the required/modified berm. The design engineer has considered the future intersection improvement at Campbellton Road and Stonewall Tell Road.

MARTA: MARTA advised that the site is not a part of their jurisdiction and did not provide comments.

Fulton County Health Department: Requested information, none provided.

Fulton County Schools: Report is attached.

Fire Department: The fire department noted that the development would need to follow the fire code and will require two points of access before certificates of occupancy are issued.

PLANNER'S RECOMMENDATION

The site in question has undergone a variety of rezoning, modifications, and variances since 2003 and was never fully developed. Although the TR zoning district is not in compliance with the Future Land Use Plan, the site is already zoned TR based on Z2003-0027 which was approved by Fulton County. The density for the modification request is in alignment with the Future Land Use Plan for the Community Live Work Future Land Use Designation which was designed to have higher density development along the major roadways.

Regarding request for the four-part modification, staff is recommending **Approval** with the following enumerated conditions, which will repeal and replace portions of conditions currently imposed on the property:

Concerning the request for the current variance, the Georgia Department of Transportation is in the process of conducting road improvements along Campbellton Rd. to include a signalized intersection the entrance. The applicant has agreed to contribute \$370,000 towards the installation of a traffic light at the intersection of Campbellton Rd. and the proposed development. Staff Recommendation is **Approval** with the attached conditions:

PREPARED BY:

Marissa Jackson, Senior Planner

REVIEWED BY:

Dana Gray, Planner

Rebecca Keefer, Interim Director

MAYOR & COUNCIL ACTION

TBD

RECOMMENDED CONDITIONS

If this petition is approved by the ~~Board of Commissioners~~ Mayor and City Council, it should be APPROVED TR (Townhouse Residential) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the ~~Board of Commissioners~~ Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. No more than ~~114~~ 144 total townhouse units and no more than 23 single family detached dwelling units at a maximum density of xx dwelling units per acre based on the total acreage zoned, whichever is less.
 - b. The minimum lot size for the single-family homes shall be 6,000 square feet and 2000 square feet for the townhomes.
 - c. The minimum heated floor area for the townhouses units shall be ~~2,000~~ either 1850 square feet or 1650 square feet.
 - d. The minimum heated floor area the single family detached dwellings shall be 2,850 square feet.
 - e. Each townhome shall have a 2-car garage.
 - f. Garages shall be setback a minimum of 20 feet from the back of sidewalk, edge of street pavement, or if the street is curbed, a minimum of 20 feet as measured from the back of curb.
 - g. The amenity area for the townhomes shall include a swimming pool and cabana as illustrated in Appendix C.
 - h. No more than 50 certificates of occupancy may be issued before the amenity area is completed and issued certificates of occupancy/completion.
 - i. Absolutely no on-street parking shall be allowed. The developer shall install signage to note that no on-street parking is allowed prior to approval of the final plat, or as determined by the Director of Community Development and Regulatory Affairs. The recorded Homeowners Association Covenants shall stipulate the on-street parking prohibition.
 - j. Building facades shall be staggered with a minimum 2 feet offset between each unit.

- k. The buildings shall be developed in substantial conformity with the elevation renderings dated received February 10, 2022 (Appendix B) with respect to general architectural style, features, materials, and massing. Further, no two elevations in the same building shall be completely identical. Distinctions between units can be accomplished through a change in material, color, architectural features, rooflines, or other alternatives approved by the Director of Community Development and Regulatory Affairs. At minimum, a brick or stone water table shall be required on each elevation. Additionally, the facade of each unit shall include a dimensional architectural treatment such as a covered porch, balcony, projection window, varied gables, or alternatives approved by the Director of Community Development and Regulatory Affairs.
- l. The applicant shall abide by the landscaping requirements as noted in the Sandtown Overlay District.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Community Development and Regulatory Affairs Department ~~Department of Environmental and Community Development on October 28, 2008~~ February 10, 2022 (Appendix A). Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approval site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application of the Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 - b. All recreational and other areas which may be held in common shall be maintained by a mandatory homeowner's association, whose proposed documents of incorporation shall be submitted to the Director of the ~~Department of Environmental and Community Development and Regulatory Affairs~~ for review and approval prior to the recording of the first plat.
 - c. The owner/developer shall provide a copy of the recorded Homeowners Association Covenants, Easements, and Deed restrictions to the President of the Sandtown Community Association at the time that the recorded document is provided to the Community Development and Regulatory Affairs Department.
 - d. The Covenants, Easement, and Deed Restrictions will contain terms that impose a requirement that a maximum of 20% of the total units can be rented

or leased to an occupant by the owner, and the Homeowner's Association will be required to enforce this provision.

- e. Portions of the berm shall be removed only if required by GDOT for sight distance purposes.
 - f. Screening in the form of a planted buffer or opaque fencing shall be required in the rear of lots 23-33, should the berm be removed. The proposed screening must be approved by the Director of Community Development and Regulatory affairs prior to the issuance of building permits for lots 23-33. The screening shall not impact sight distance as illustrated in the site plan in (Appendix A).
3. To the owner's agreement to abide by the following traffic requirements, and dedications and improvements:
- a. Reserve for ~~Fulton County~~ **City of South Fulton** along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers may straddle the reservation lines bisects the required landscape strip buffer. At a minimum, 10 feet of a required landscape strip or plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the areas of reservation.

62 feet from centerline of Campbellton Road (SR 153/166) or as may be required by the Georgia Department of Transportation.
 - b. Dedicated at no cost to **City of South** ~~Fulton County~~ along the entire property frontage, prior to approval of a Land Disturbance Permit, sufficient land as necessary to provide the following right-of-way, and dedicate at no cost to the **City of South** ~~Fulton County~~ such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the right-of-way are being improved:

40 feet from centerline of Campbellton Road (SR 154/166);
30 feet from centerline of Chattahoochee Drive;
30 feet from centerline of Stonewall Tell Road.

- c. Provide a declaration lane for each project entrance or as may be required by the ~~Fulton County~~ City Traffic Engineer.
 - d. Provide a left turn lane for each project entrance or as may be required by ~~Fulton County~~ City Traffic Engineer.
 - e. Intersection improvements and traffic signal upgrades must be provided at the intersection of Campbellton Road (SR 154/166) and Stonewall Tell Road. Details must be submitted at concept design review and are subject to the approval of ~~Fulton County~~ City Traffic Engineer.
 - f. Intersection improvements must be provided at the intersection of Campbellton Road (SR 154/166) and Chattahoochee Drive. Details must be submitted at concept plan review and are subject to the approval of the ~~Fulton County~~ City Traffic Engineer.
4. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) ~~with the Department of Environment and Community Development, Development Review Division~~, arrange to meet with ~~Fulton County~~ City of South Fulton Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing Specimen trees/ stands, buffers, and tree protection zones within the property boundaries with the ~~Fulton County~~ City Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a LDP.

APPEENDIX A:

SITE PLAN

SITE ADDRESS: CAMPBELLTON RD. & CHATTAHOOCHEE DR.

SITE AREA: 22.24 - PHASE 2 (31.6240 ACRES OVERALL)

UNITS: 142 - PHASE 2 (165 UNITS OVERALL)

DENSITY: 5.22 UNITS/ACRE

ZONING: TR (TOWNHOUSE RESIDENTIAL) CONDITIONAL

MINIMUM LOT REQUIREMENTS:

MINIMUM PERIMETER FRONT YARD: 40 FT.
MINIMUM PERIMETER SIDE YARD:
Interior: 30 FT.
Adjacent to street: 40 FT.
MINIMUM PERIMETER REAR YARD: 35 FT.
MINIMUM LOT FRONTAGE:
20 ft. adjoining street except up to 35 feet may be required whenever the director of public works requires the extra width to protect catch basins
MINIMUM INTERIOR FRONT YARD: 20 FEET
MINIMUM INTERIOR REAR YARD: 25 FEET
MINIMUM LOT WIDTH @ SETBACK LINE: 20 FT.
MINIMUM LOT AREA: 2,000 SQ. FT.
MINIMUM HEATED FLOOR AREA PER UNIT: 1,650SF & 1,850SF
MAXIMUM BUILDING HEIGHT: 40 FT.
MAXIMUM LOT COVERAGE: 50%

MINIMUM BUILDING SEPARATION:

	MULTIFAMILY	1&2 FAMILY
FRONT TO FRONT	50 FEET	50 FEET
FRONT TO REAR	60 FEET	55 FEET
REAR TO REAR	50 FEET	50 FEET
FRONT TO REAR SIDE	40 FEET	25 FEET
SIDE TO SIDE	20 FEET (PER VARIANCE)	14 FEET

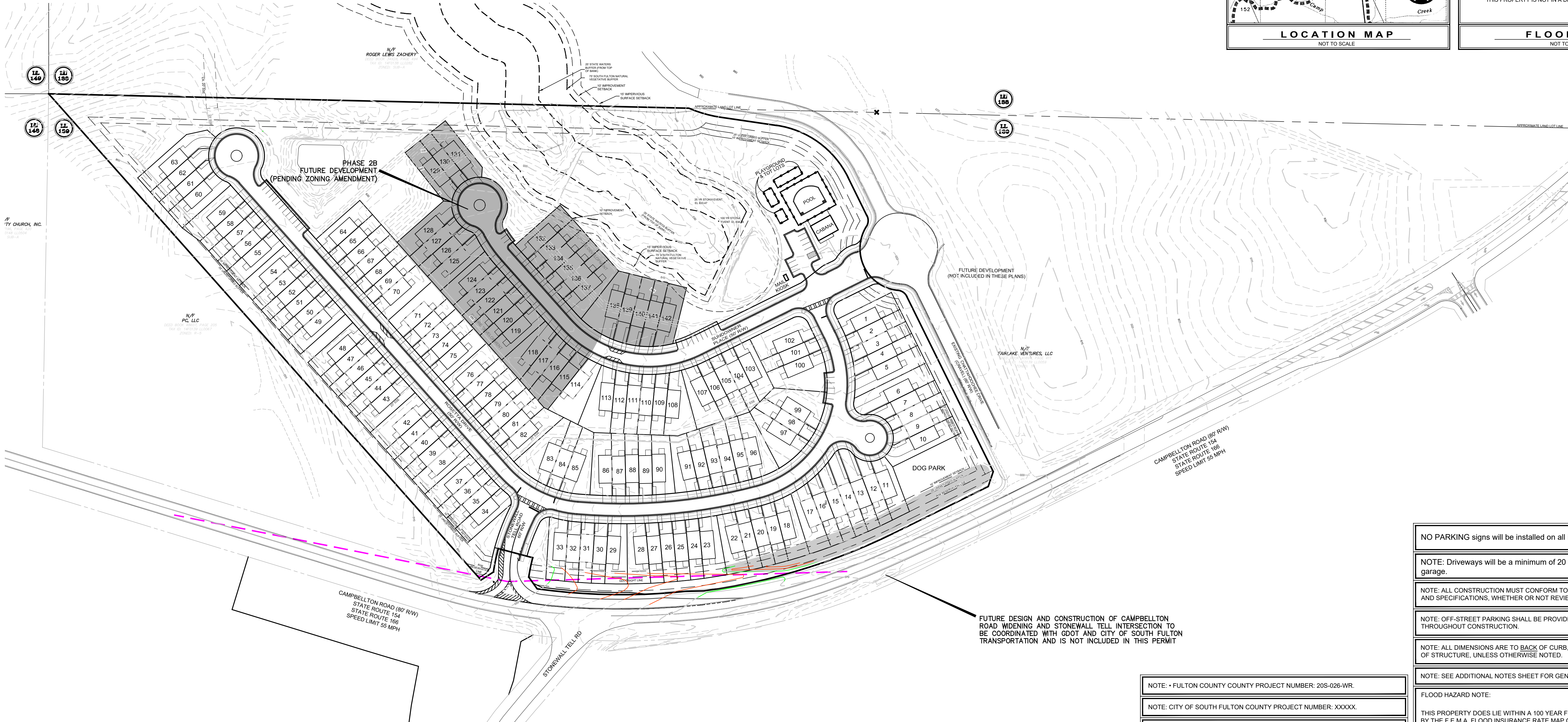
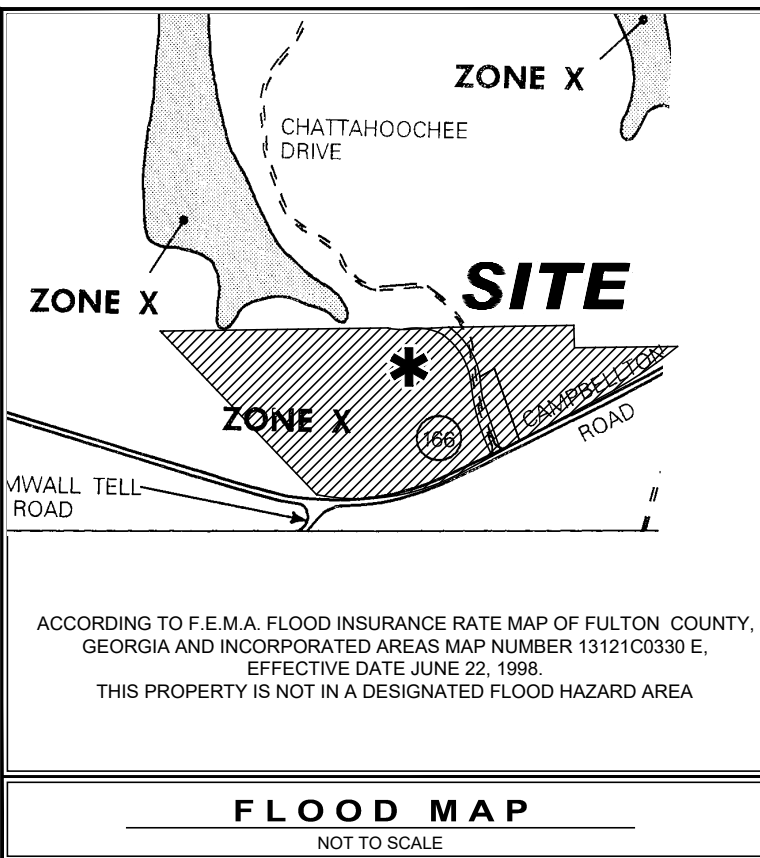
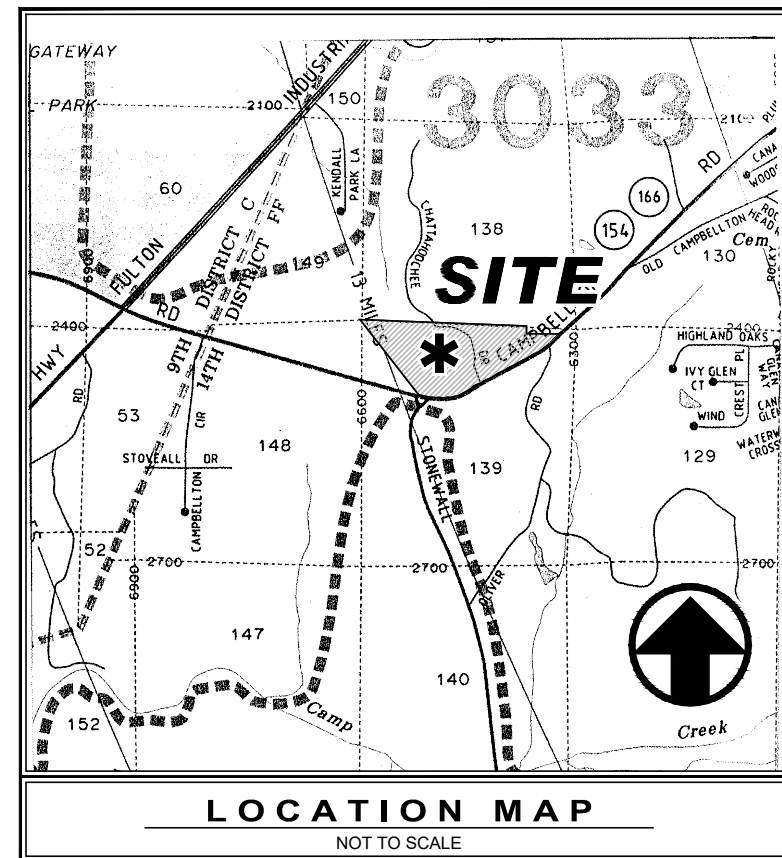
REQUIRED PARKING: TWO PER DWELLING UNIT

PROPOSED PARKING: TWO PER DWELLING UNIT

- TWO CAR GARAGE TO BE PROVIDED IN EACH UNIT
- 31 ON-STREET GUEST PARKING SPACES PROVIDED.
- 10 AMENITY AREA PARKING SPACES PROVIDED.

PROPOSED STREET DIMENSIONS

50' RIGHT OF WAY	25' CENTERLINE - ROW
24' BOC - BOC	12' CENTERLINE - BOC
30' CURB RADIUS	20' ROW RADIUS



FUTURE DESIGN AND CONSTRUCTION OF CAMPBELLTON ROAD WIDENING AND STONEWALL TELL INTERSECTION TO BE COORDINATED WITH GDOT AND CITY OF SOUTH FULTON TRANSPORTATION AND IS NOT INCLUDED IN THIS PERMIT

NOTE: FULTON COUNTY COUNTY PROJECT NUMBER: 20S-026-WR.
NOTE: CITY OF SOUTH FULTON COUNTY PROJECT NUMBER: XXXX.
NOTE: A SEPARATE BUILDING PERMIT WILL BE REQUIRED FOR ALL RETAINING WALLS. ALL WALLS OVER 4'-0" REQUIRE FENCING OR ACCEPTABLE DENSE VEGETATION AT THE TOP PER UDC ARTICLE IV 4.4.5J
NOTE: NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED ON-SITE. ANY EXISTING SEPTIC SYSTEMS TO BE REMOVED PER STATE STANDARDS.
NOTE: INTERNAL GREEN SPACES SHALL INCLUDE STRUCTURES, LANDSCAPING, AND OTHER VISUAL ELEMENTS TO TERMINATE GREEN SPACES THAT ARE OPEN TO ALLEYWAYS WITH FINAL APPROVAL BY STAFF. VISIBLE RETAINING WALLS SHALL BE STONE OR BRICK FACED.
NOTE: ALL INTERNAL SUBDIVISION STREETS TO BE 25 MPH.
NOTE: ALL RETAINING WALLS 4'-0" IN HEIGHT AND TALLER REQUIRE A SEPARATE BUILDING PERMIT AND ARE NOT PERMITTED AS PART OF THIS LDP.
NOTE: ANY COMMON FEATURES (I.E. RETAINING WALLS) THAT SPAN MULTIPLE LOTS SHALL BE PLACED IN MAINTENANCE EASEMENTS FOR THE HOA TO MAINTAIN.
NOTE: DHD, ONLY THE DIRECTOR, OR THE SPECIFIC APPOINTEE REPRESENTING THE DIRECTOR, MAY RELEASE THIS TYPE OF HOLD. A DHD-HOLE IS A GENERAL HOLD FOR A SPECIFIC PURPOSE NOT PREVIOUSLY COVERED BY THE PRECEEDING EXPLANATION BELOW.
NOTE: INDIVIDUAL LOT FENCES ARE NOT ALLOWED IN DRAINAGE OR SANITARY EASEMENTS, AND REQUIRE SEPARATE FENCE PERMIT.
NOTE: IN CASE THAT DEVELOPMENT DUE TO A ROAD WIDENING OR EXTENSION OF A SERVICE NECESSITATES THE REPLACEMENT OR RELOCATION OF OVERHEAD UTILITIES, SUCH UTILITIES MUST BE REPLACED OR RELOCATED AS AN UNDERGROUND SERVICE.
NOTE: STATE WATERS DO EXIST WITHIN 200 FT OF THE SITE.

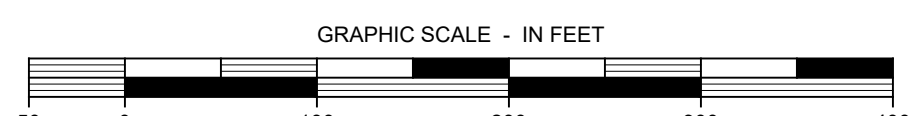
NO PARKING signs will be installed on all internal subdivision streets.
NOTE: Driveways will be a minimum of 20 feet from sidewalk to face of garage.
NOTE: ALL CONSTRUCTION MUST CONFORM TO SOUTH FULTON STANDARDS AND SPECIFICATIONS, WHETHER OR NOT REVIEW COMMENTS WERE MADE.
NOTE: OFF-STREET PARKING SHALL BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION.
NOTE: ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF BUILDING, OR CENTER OF STRUCTURE, UNLESS OTHERWISE NOTED.
NOTE: SEE ADDITIONAL NOTES SHEET FOR GENERAL NOTES.
FLOOD HAZARD NOTE: THIS PROPERTY DOES LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER 13121C0330, DATED JUNE 22, 1998.
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.



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DEVELOPER
ROCKHAVEN HOMES
4062 PEACHTREE ROAD NE, STE D#277
ATLANTA, GA 30319
(770) 519-1668

24 HOUR EMERGENCY CONTACT
BRAD HUGHES
(770) 519-1668
E-mail: BHUGHES@ROCKHAVENGA.COM



SITE PLAN - PROPOSED BERM

SANDTOWN FALLS

PHASE 2

LAND LOT 139 • 14TH DISTRICT FF • CITY OF SOUTH FULTON • FULTON COUNTY • GEORGIA

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7511
Fax: (770) 416-8759
www.travispruitt.com
CONTACT PERSON: JOHN MEYER

Travis Pruitt & Associates, Inc.
SURVEYOR • LANDSCAPE ARCHITECT
SASINTOS TRINIDAD

NO	DATE	DESCRIPTION
1	2/10/2022	CITY COMMENTS
2		
3		
4		
5		
6		
7		

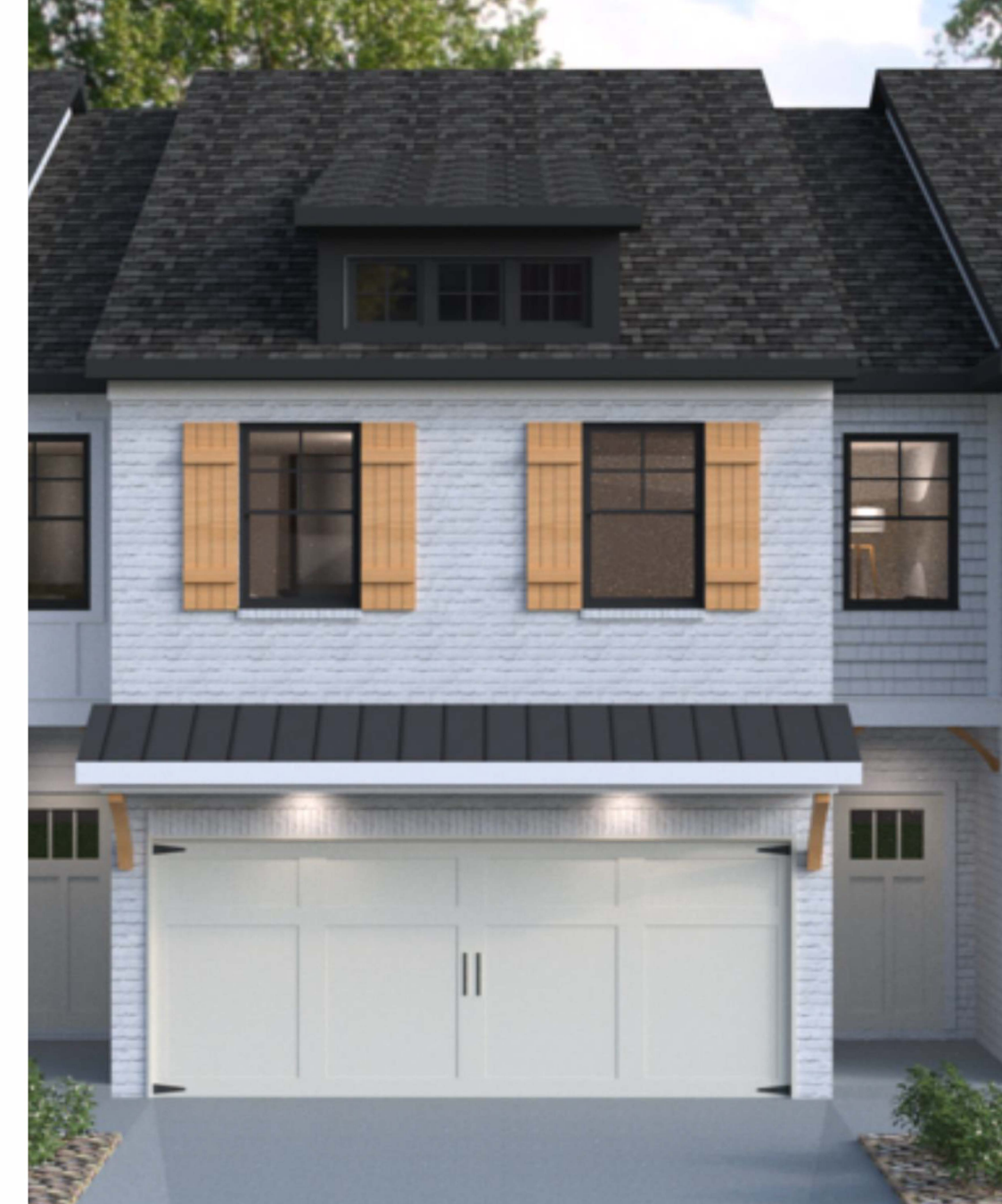
REVISIONS

DATE: 2/03/2022
SCALE: 1" = 100'
CN: 200130CPO2
JN: 200130
FN:
SHEET NO: 02



APPENDIX B:

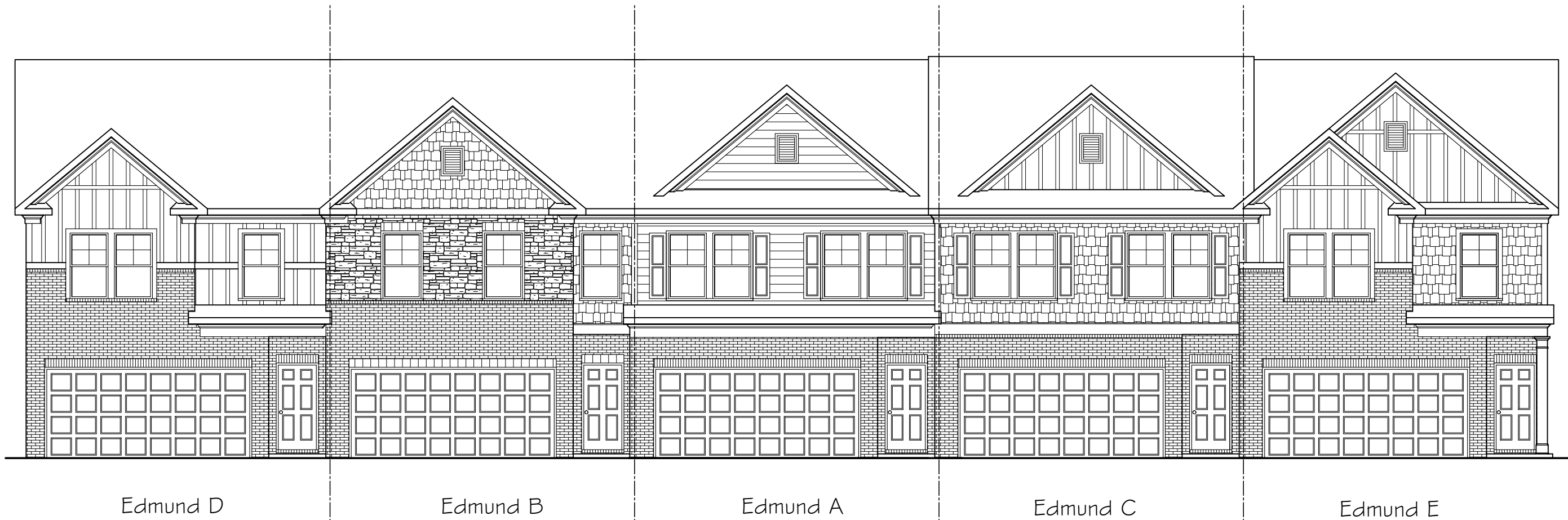
ELEVATIONS











BUILDER

ROCKHAVEN HOMES
4062 PEACHTREE ROAD NE, SUITE D # 277
ATLANTA, GA 30319

SANDTOWN TH

American Gables
HOME DESIGNS, INC.
3000 Johnson Ferry Road * Suite 206
Marietta, GA 30062 678-919-7717
www.AmericanGables.com

DRAWN BY: DAC

DATE: 12/16/21

REVISIONS:

SHEET	
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RELEASED FOR CONSTRUCTION

APPENDIX C:

Public Participation Report

GENERAL NOTES: All drawings will remain the property of Michael P. Landry, LLC, and will not be returned to the contractor. All drawings, specifications, and contract documents shall be read in their entirety without the written consent, modification, or release in any way without the written consent and compensation to Michael P. Landry, LLC. The contractor shall **check and verify** all dimensions prior to beginning construction and report any discrepancies to MP LLC, & make necessary changes prior to beginning work. **All Work shall comply with local codes and regulations. All plans shall be reviewed by structural engineer prior to beginning work.**

Michael P. Landry, LLC.

- LAKEVIEW AT STONECREST-CABANA**
CITY OF STONECREST, DEKALB COUNTY, GA
3501 RICHMOND BEND, STONECREST, GA
STONECREST HOME BUILDERS, INC.
4082 PEACHTREE RD. NE, SUITE A, #227
ATLANTA, GA 30319

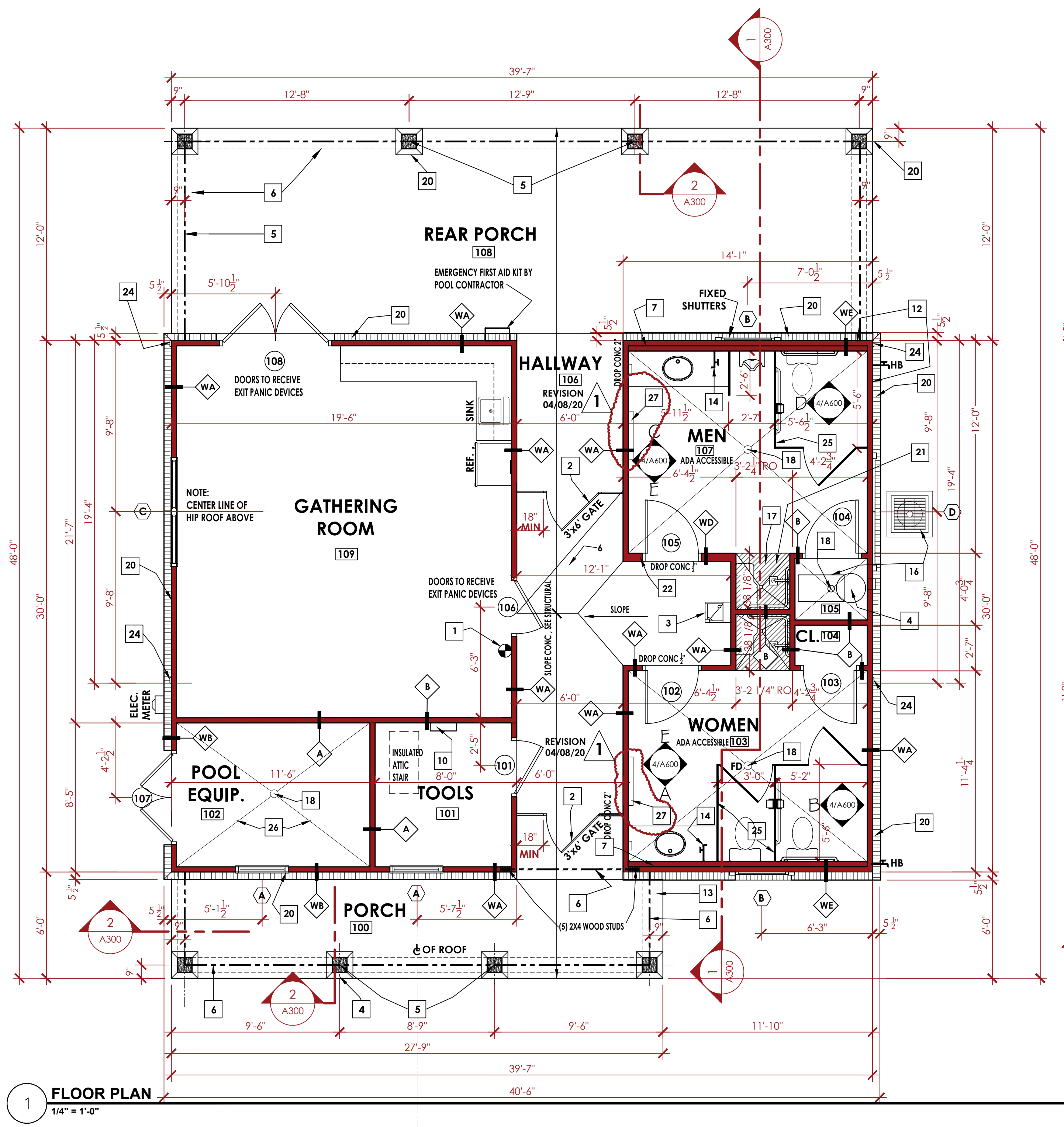
1	CONCRETE FOOTING. SEE FOUNDATION PLAN.
2	4 # 5 RODS CONT. W/ #3 TIES @ 24" O.C.
3	SIMPSON COLUMN BASE ABU66 W/5/8" X 8" TITEN-HD ANCHOR
4	BRICK VENEER waterbale W/ BRICK TIES @ 24" O.C. EACH WAY.
5	DAMP PROOFING
6	BOX COLUMN & 6"x6" P.T. WOOD POST W/SIMPSON COLUMN BASE SUFFICIENT. SEE STRUCTURAL
7	4" CONCRETE SLAB REINFORCED W/4"x6" NO. 10/10 WWW OVER 6 MIL. VISQUEUEN OVER 4" GRAVEL BED OVER 95% COMPACTED FILL

- Michael P. Landry
ARCHITECTURE | DESIGN | DETAILING
P: 404-281-4217 1 OREANS PLACE ATLANTA GA 30341
42 GULL STREET, NEW ORLEANS, LA 70124

EXTERIOR ELEVATIONS

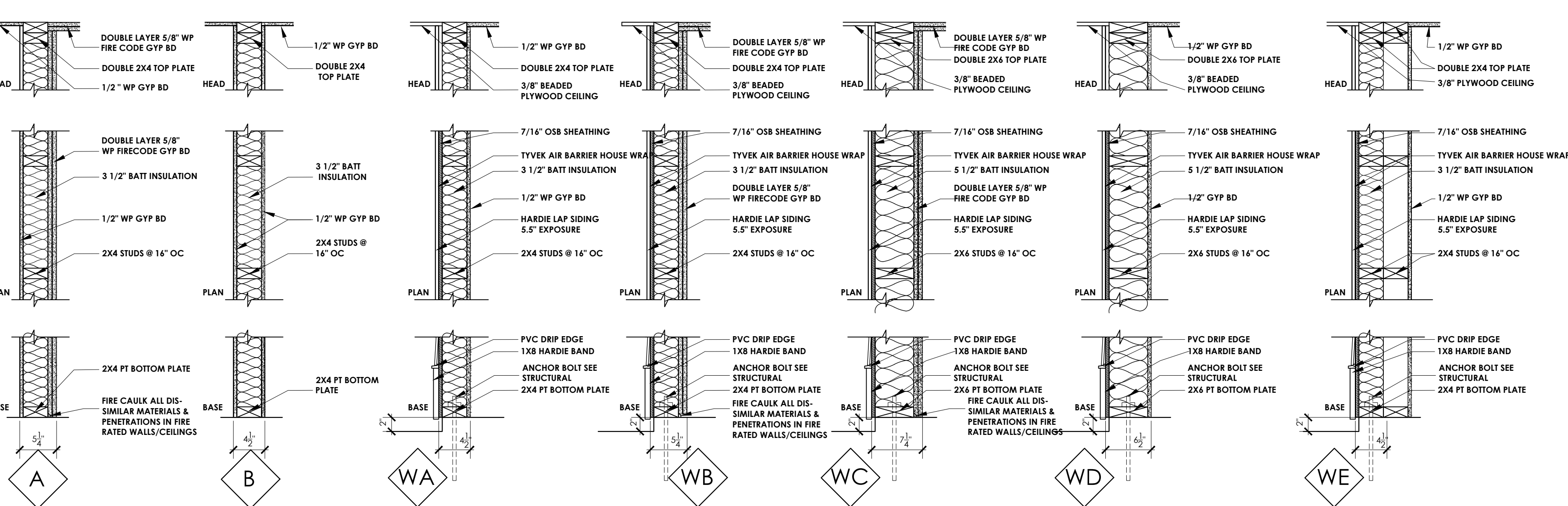
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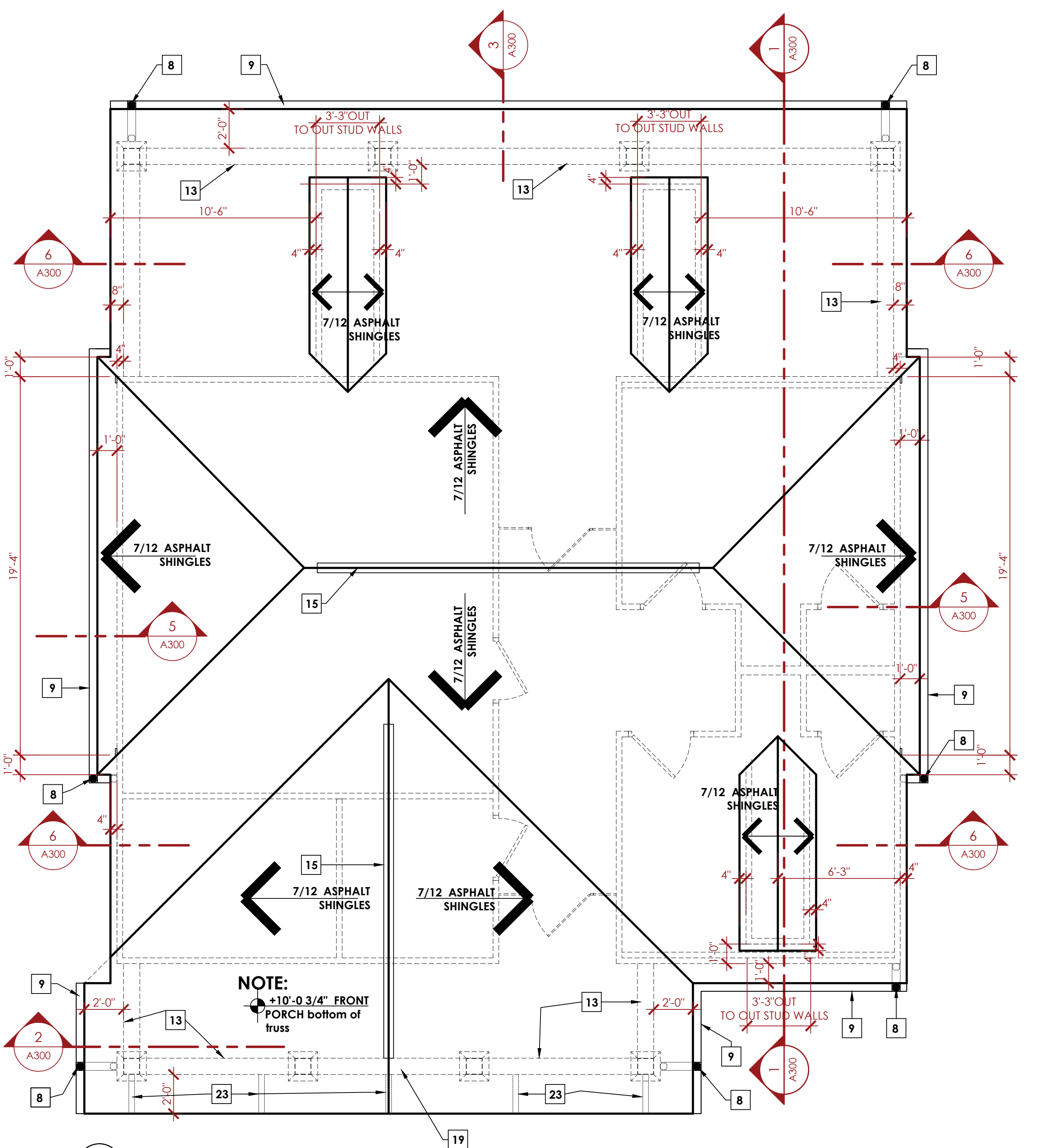


1 FLOOR PLAN
1/4" = 1'-0"

HANDICAP ADA ACCESSIBLE



3 PARTITION SCHEDULE
NO SCALE



2 ROOF PLAN
1/4" = 1'-0"

MIN. REQUIRED ROOF VENTILATION

AREA= 1,847 SF/300SF
= 6.16 SF X 144 SQ IN = 886.32 SQ IN /2 = 443 SQ IN SOFFIT AND RIDGE VENT

PROVIDED: SOFFIT: 2' CONTINUOUS SOFFIT VENT: 66' X 9' SQ IN = 594
TOTAL SOFFIT (INTAKE) = 594 SQ IN

PROVIDED: RIDGE VENT: 33 LIN FT X 18 SQ IN = 594 SQ IN

GENERAL NOTES:

- BATHROOM FACILITIES: HAVE BEEN DESIGNED FOR A MAXIMUM SIZE POOL OF 2,500 SQFT IN COMPLIANCE TO GOVERNING AUTHORITY CODES.
- ROOF: 30YR ASPHALT SHINGLES OVER 15 # SYNTHETIC FELT OVER 1/2" OSB DECKING OVER PRE-ENGINEERED WOOD TRUSSES @ 24" O.C. UNLESS NOTED OTHERWISE. SEE STRUCTURAL.
- 2X4 & 2X6 STUD WALLS TO BE 16" OC. ALL 2X4 WALLS TO RECEIVE 3.5" R15 BATT INSULATION. ALL 2X6 WALLS TO RECEIVE 5.5" R19 BATT INSULATION. SEE PARTITION SCHEDULE FOR GYP BD APPLICATIONS.
- WINDOW TO BE SILVERLINE BY ANDERSEN 3000 SERIES DOUBLE HUNG VINYL OR EQUAL U FACTOR 0.29 & SHGC 0.26.
- FENESTRATION R-VALUES: 5/16" HARDIE SIDING 0.48 1/2" OSB PLYWOOD 0.63 TYVEK AIR BARRIER HOUSE WRAP 0.0.
- END WALL TRUSSES: 2X4 ON FLAT; WEBB MEMBERS @ 24" OC. NOTE: COORDINATE WEBB MEMBERS W/ GABLE LOUVERS, IF APPLICABLE. BRACE END GABLE TRUSS PER MFG DETAILS. SEE STRUCTURAL PLANS.
- INSULATION SHALL HAVE A FLAME SPREAD INDEX OF NOT MORE THAN 25 AND A SMOKE-DEVELOPED INDEX OF NOT MORE THAN 450 FOR EXPOSED CONDITIONS AND PIPE INSULATION.
- WOOD FRAMING MEMBERS SHALL BE SPRUCE PINE FIR (SPF) #2 OR BETTER. EXPOSED WOOD TO WEATHER OR IN CONTACT WITH MASONRY OR CONCRETE SHALL BE PRESSURE TREATED (PG) GREEN, #2 PINE.
- AIR BARRIERS AND INSULATION INSTALLATIONS SHALL COMPLY WITH TABLE R402.4.1 (2012 IECC).
- SLOPE TILE OR CONCRETE FLOORS IN WET AREAS 2%.
- ALL CONTROL JOINTS TO RECEIVE POLYURETHANE JOINT SEALANT, SELF-LEVELING (WR MOWADONS OR EQUAL).
- ALL ELEMENTS OF THIS PROJECT TO COMPLY WITH ICC ANSI A117.1 (2017) OR LATEST EDITION.

LEGEND:

- ABC 20# FIRE EXTINGUISHER
- 6" ALUMINUM FENCE & GATE W/ 1/2" PICKETS @ 4" OC W/ AUTO LOCK & SELF CLOSING HINGES
- OASIS PACSL WALL MOUNTED ADA COMPLIANT Non-Refrigerated Drinking Fountain MODEL 133359 ; bi-level unit with front and side push pads. OR SIMILAR
- WATER HEATER - ELECTRIC. SEE PLUMBING/ MECHANICAL PLANS
- 6"X6" P.T. WOOD POST - SEE STRUCTURAL
- BEAMS - SEE STRUCTURAL
- DOUBLE 2"X4" STUD WALL
- 4" DIA. ALUMINUM DOWNSPOUT
- 6" ALUMINUM GUTTER
- ELECTRIC PANEL
- WINDOWS TO BE SILVERLINE BY ANDERSEN 3000 SERIES LOW-E ARGON GAS DOUBLE HUNG VINYL OR EQUAL U FACTOR 0.29 & SHGC 0.26
- FENESTRATION R-VALUES: 5/16" HARDIE SIDING 0.48 1/2" OSB PLYWOOD 0.63 TYVEK AIR BARRIER HOUSE WRAP 0.0
- BOXED BEAM. SEE STRUCTURAL
- BELOW COUNTER HOSE BIB
- CONTINUOUS RIDGE VENT
- ELECTRIC HEATPUMP. AIR HANDLER UNIT TO BE INSTALLED ON PLATFORM ABOVE ELEC HWH.
- FURR CEILING IN SHOWERS FOR A/C DUCT RUNS
- FLOOR DRAIN. SEE MECHANICAL PLANS
- END WALL TRUSSES, 2X4 ON FLAT WEBB MEMBERS @ 24" OC. NOTE: COORDINATE WEBB WITH GABLE LOUVERS/WINDOW. BRACE END GABLE TRUSS PER MFG DETAILS. SEE STRUCTURAL PLAN
- BRICK VENEER WATERTABLE
- FIBERGLASS SHOWER. RECESS CONCRETE FLOOR 1 1/2". SEE SHEET A600 FOR DETAILS
- 2X6 STUD WALL @ 16" OC
- DECO WOOD BRACKETS
- 5/4" X 4" HARDIE TRIM
- TOILET PARTITIONS
- CEILING OF POOL EQUIPMENT TO BE TWO LAYERS OF 5/8" FIRECODE GYP BD. 1HR RATED UL 263
- BABY CHANGING TABLE BY OWNER

LAKEVIEW AT STONECREST-CABANA

CITY OF STONECREST, DEKALB COUNTY, GA

3501 RICHMOND BEND, STONECREST, GA

STONECREST HOME BUILDERS, INC.

4062 PEACHTREE RD. NE, SUITE A, #227

ATLANTA, GA 30319

Michael P. Landry
ARCHITECTURE | DESIGN | DETAILING

P: 404-281-4217 1 ORLEANS PLACE, ATLANTA, GA 30341
42 GULL STREET, NEW ORLEANS, LA 70124

RELEASED FOR
CONSTRUCTION



DESCRIPTION

FLOOR PLAN
ROOF PLAN
PARTITION SCHEDULE

DATE	REVISION
10/14/19	city plan review
01/07/20	1st comments

DRAWN BY: MPL
CHECKED BY: MPL

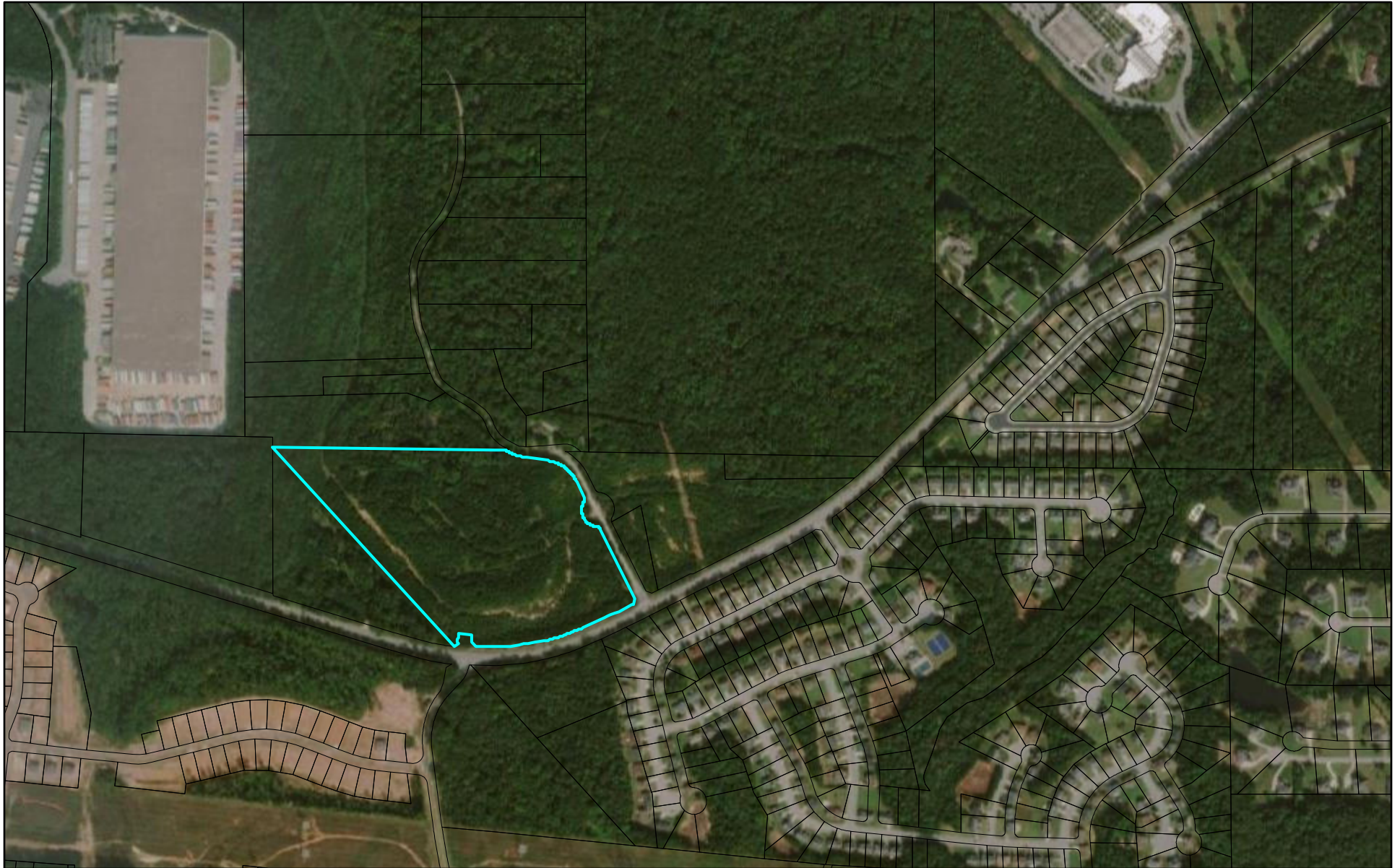
A101

SHEET 3 OF 7

APPENDIX D:

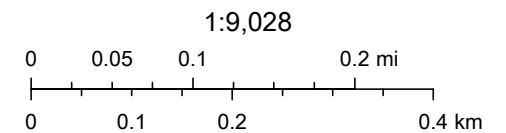
Location Maps-Aerial Map, Future Land Use Map, and Zoning Map

COSF ArcGIS Web Map



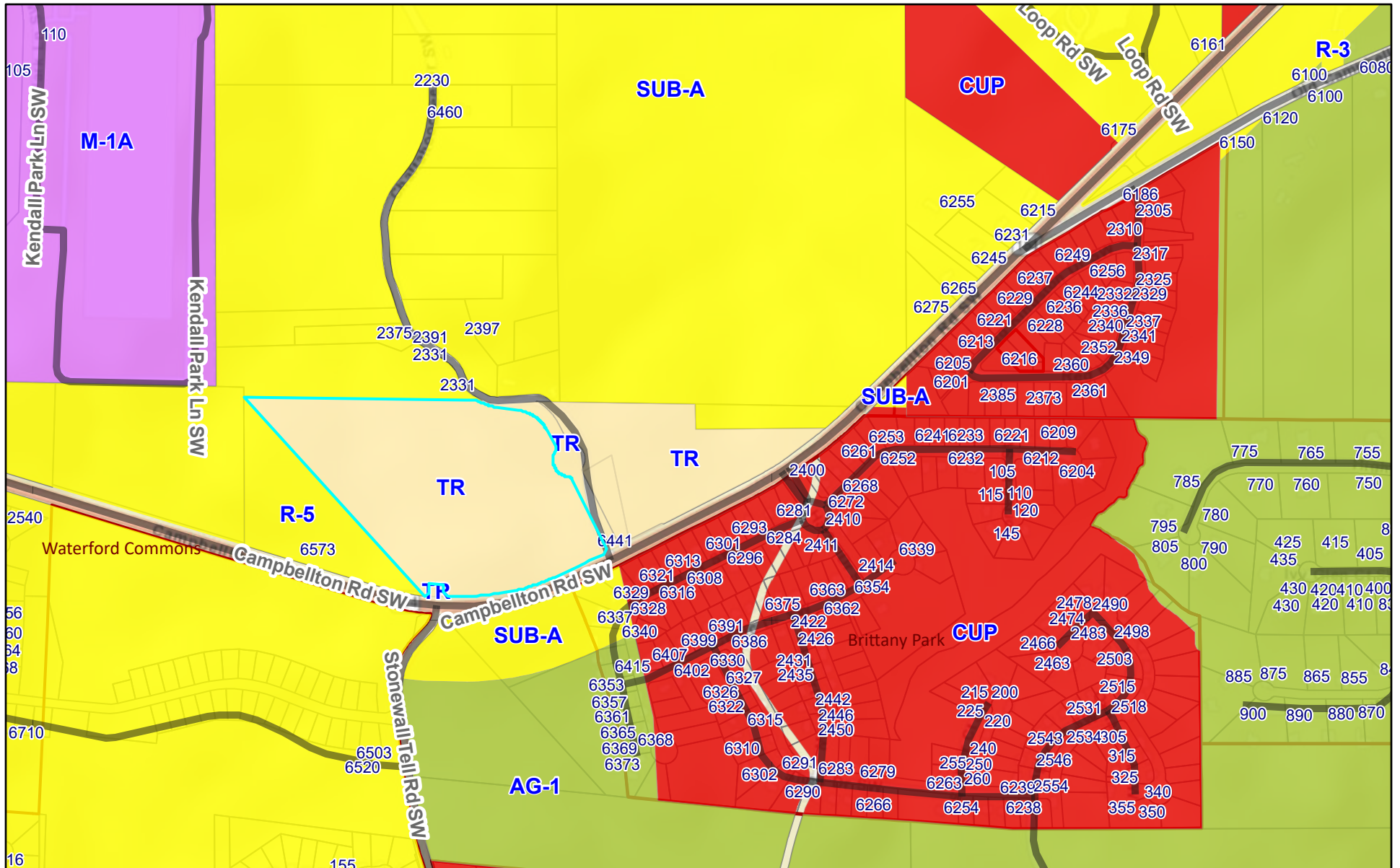
12/22/2021, 5:06:01 PM

-  City Limits
-  Tax Parcels from County



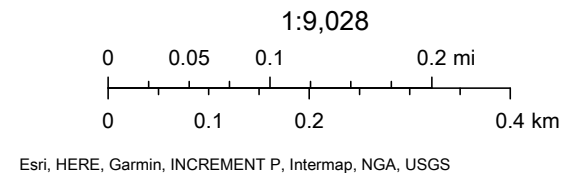
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COSF ArcGIS Web Map

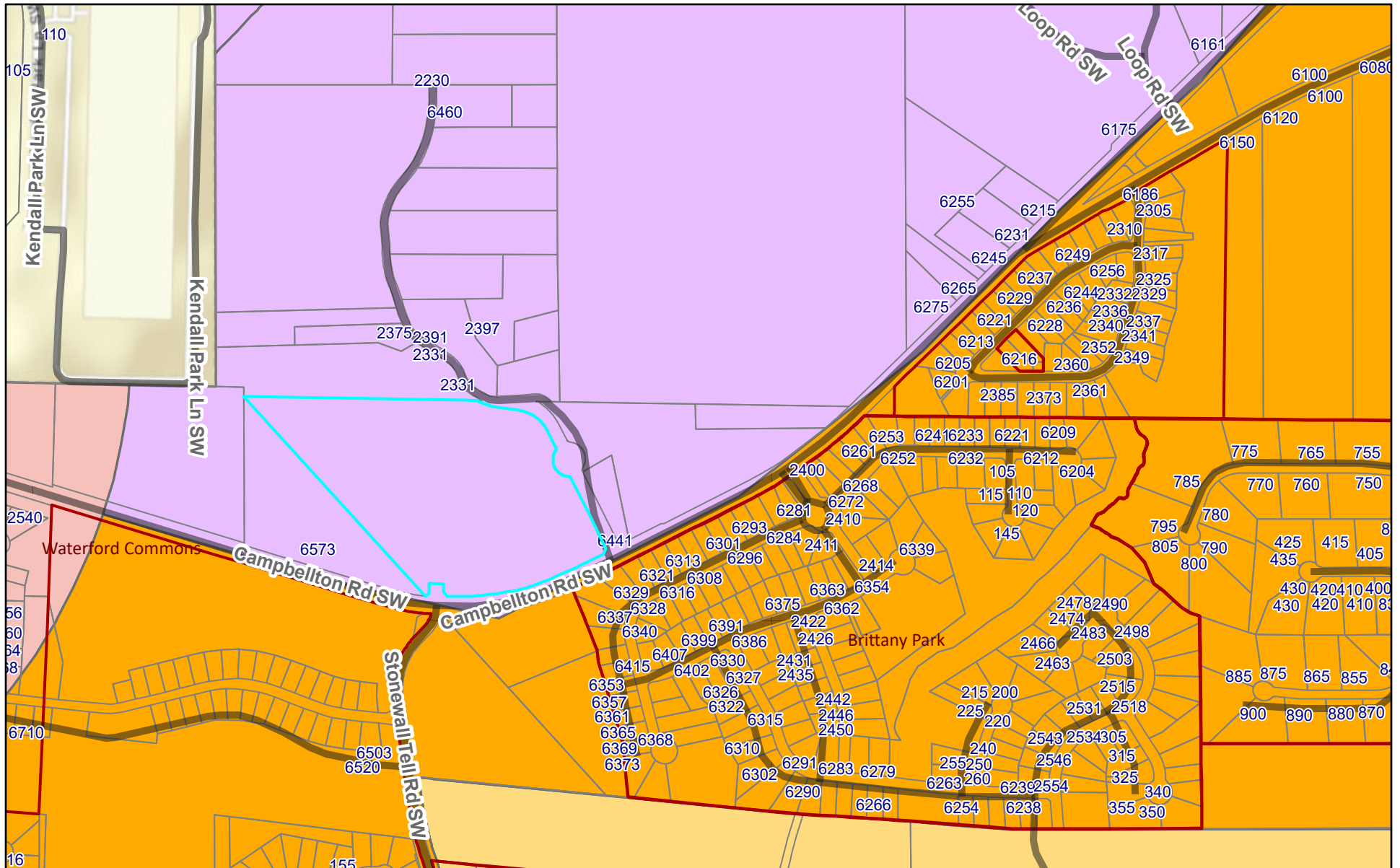


12/1/2021, 2:59:55 PM

- | | | | |
|--------------------|------------------------|-----------------------|------------------|
| Address Points | Zoning | Community Unit Plan | City Limits |
| Street Centerlines | Single Family Dwelling | Industrial Park | Tax Parcels 2021 |
| | Agricultural | Townhouse Residential | |



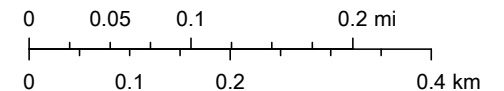
COSF ArcGIS Web Map



12/1/2021, 3:04:45 PM

- Address Points
- Street Centerlines
- City Limits
- Tax Parcels 2021
- 2035 Future Land Use
- Community Live Work
- Regional Live Work
- Rural Neighborhood
- Urban Neighborhood

1:9,028



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

APPENDIX E:

PUBLIC PARTITIPATION REPORT



PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Stonewall Tell Homebuilders, Inc. Petition No. M21-007/CV21-007

Date: November 29, 2021

1. The following parties were notified of the requested modification:

See submitted receipts; also Sandtown Community Association

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

October 7, 2021, 6:30 PM - Sandtown Community Association-Zoom

November 23, 2021; 6:00 PM; Zoom

3. The following issues and concerns were expressed:

See attached

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

See attached

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.

NOTIFICATION OF APPLICATION FOR ZONING MODIFICATION
AND CONCURRENT VARIANCES FILED WITH THE CITY OF SOUTH FULTON
FOR PROPERTY FRONTING ON AT INTERSECTION OF CHATTAHOOCHEE DRIVE
AND CAMPBELLTON ROAD

ALSO KNOWN AS 0 CAMPBELLTON ROAD

PARCEL ID NUMBER 14F0139 LL0240

SCHEDULED FOR CITY COUNCIL ON DECEMBER 14, 2021

WE INVITE YOU TO PARTICIIPATE IN A MEETING HOSTED BY THE APPLICANT
ON NOVEMBER 23 2021 AT 6 PM VIA ZOOM.

AT THIS MEETING, WE WILL PRESENT THE SCOPE OF THE PROPOSAL.
WE INVITE YOU TO ATTEND AND GIVE YOUR THOUGHTS AND INPUT

Meeting ID: 870 7079 6440

Passcode: 831002

IF YOU WISH TO SPEAK WITH THE APPLICANT BY PHONE, PLEASE CALL STEVE
ROTHMAN AT 770 803 3731

Public Participation Plan Meeting Hosted By Stonewall Tell Homebuilders, Inc.

November 23, 2021

6 PM via Zoom

KC and Brenda, Residents of Brittany Park, attended.

A 20 minute presentation of the sought after Zoning Modification and Concurrent Variance Request was made. After the presentation, there was a 40 minute question and answer period.

Questions and Issues Raised:

Traffic Congestion on Campbellton Road. Response: Explanation of reconfiguration of intersection of Stonewall Tell and Campbellton, including straightening of intersection, turn lanes and adaptation of entrance drive for Sandtown Falls to align with Stonewall Tell at signalized intersection.

Sidewalks Along Campbellton Road. Response: Sidewalks would be provided along all road frontages, including Campbellton Road.

Question about future development down Campbellton Road. Response: We are uncertain as we do not own that land.

Question about how to protect road from cracks and erosion and sediment runoff during construction: We gave them applicant's phone number, who will be in charge of the construction so that neighbor's have full time contact to discuss any construction activity related complaints or concerns.

Meeting ended at 7 PM.

On November 29, 2021 I spoke with a resident in Brittany Park at email address smittyjs1@gmail.com and responded to his questions about the scope of the request and he raised the issue of the asking price of the new townhomes and we responded that the townhomes would start above \$300,000 and the market would dictate prices thereafter.

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Sent: **GHANA COMMUNITY CHURCH INC**
 38 HAMILTON E HOLMES DR
 ATLANTA GA 30311

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 3815 S WEST TEMPLEY
 SALT LAKE CITY UT 84115

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Sent: **ANDERSEN LORRAINE M**
 6320 SELBORN DR
 ATLANTA GA 30331

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Sent: **FAIRLAKE VENTURES LLC**
 3915 CASCADE RD # 110
 ATLANTA GA 30331

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Sent: **BRITTANY PARK LLC**
 1100 NORTHMEADOW PKWY # 114
 ROSWELL GA 30076

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Sent: **WESLEY JENNIFER S**
 6364 SELBORN DR
 ATLANTA GA 30331

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JONES WILLIAM
2640 WATERDALE RD
ATLANTA GA 30331

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HOLMES PAULINE
6288 SELBORN DR
ATLANTA GA 30331

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COOPER TIFFANY S & TYRONE SR
2644 WATERDALE RD SW
ATLANTA GA 30331

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WILFRED SKIPPY E
6415 CELTIC DR
ATLANTA GA 30331

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HARRIS DARRYL D
6345 SELBORN DR
ATLANTA GA 30331

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RAMIREZ CRISPINA N
1505 CAMP POINT CT
ROSWELL GA 30075

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 Sent To **CROWDER JACQUELYN**
 Street **6337 SELBORN DR**
 City, St **ATLANTA GA 30331**

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 City, St **ROSWELL GA 30076**

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 Street **135 WATERWAY CT SW**
 City, St **ATLANTA GA 30331**

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 City, St **ATLANTA GA 30331**

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HIRAM GA 30141

City, State

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MNSF II W1 LLC
6836 MORRISON BLVD SUITE 320
CHARLOTTE NC 28211

City, State

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ASSOCIATION
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DALLAS GA 30132

City, State

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Sent To
LANKFORD TAKECIA K & ISOM P IV
2430 GILBERT DR
ATLANTA GA 30331

City, State

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Street
FAIRBURN GA 30213
City, St

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

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HOUSE DANIEL
2431 GILBERT DR SW
Street
ATLANTA GA 30331
City, St

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

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Total
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ZACHERY ROGER L
6860 TELL RD
Street
FAIRBURN GA 30213
City, St

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

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Total F
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Sent To
MASSEY YVETTE D
2411 HARTLY DR
Street
ATLANTA GA 30331
City, St

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

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Postage
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Total
\$

Sent To
ROUZEAU BEATRICE & LEWIS RAYMOND
6411 CELTIC DR
Street
ATLANTA GA 30331
City, St

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 227 LAKEPOINT DR
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DAVIS CYNTHIA
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RH PARTNERS OWNERCO LLC
 5001 PLAZA ON THE LK SUITE 200
 AUSTIN TX 78746

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DR HORTON INC
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 SANDY SPRINGS GA 30350

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GOODEN DALTON R & TAMARA A
 6315 SHELL DR
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LESTER SHANNON
 6265 SELBORN DR SW
 ATLANTA GA 30331-9401

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PACAB LLC
 4545 AIRPORT WAY
 DENVER CO 80203

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 6343 CELTIC DR
 ATLANTA GA 30337

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ABAKAH KOFIE
 6369 SELBORN DR SW
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DELICE WANS & AIMABLE LANISE
 2438 GILBERT DR SW
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DOUGLAS DEREK D
 2660 WATERDALE RD SW # C
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ALEXANDER COURTNEY
6368 SELBORN DR SW
ATLANTA GA 30331

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SIMPKINS KENYA
6387 CELTIC DR SW
ATLANTA GA 30331

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BLACK BENITA
6378 CELTIC DR SW
ATLANTA GA 30331-9413

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STONEWALL CAMPBELLTON LLC
5755 DUPREE DR # 130
ATLANTA GA 30327

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TAH 2017 2 BORROWER LLC
1508 BROOKHOLLOW DR
SANTA ANA CA 92705

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BRITTANY PARK LLC
1100 NORTHMEADOW PKWY # 114
ROSWELL GA 30076

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CADE JACQUELYN
6503 STONELAKE PL
ATLANTA GA 30331

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HOWARD MARGARET D
6377 SELBORN DR
ATLANTA GA 30331

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ZACHERY ROGER L
6860 TELL RD
FAIRBURN GA 30213

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SRP SUB LLC
8665 E HARTFORD SUITE 200
SCOTTSDALE AZ 85255

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CAREY CRAIG OWENS
6407 CELTIC DR
ATLANTA GA 30331

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ALI JAMERE M
6360 SELBORN DR
ATLANTA GA 30331

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MARIETTA GA 30067

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YOUNG NATHANIEL B & HATTIE M
6371 CELTIC DR
ATLANTA GA 30331

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TULLOCH WAYNE & SHAWNIA S
6362 CELTIC DR
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6284 SELBORN DR SW
ATLANTA GA 30331

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6280 SELBORN DR
ATLANTA GA 30331

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1107 HUNTER PL
ATLANTA GA 30314

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SMITH TERRY
 6301 SELBORN DR
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JOHNSON KENYA M & ERIC R
 6340 SELBORN DR
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ISLES JOSEPH PETRA
 6410 CELTIC DR
 ATLANTA GA 30331

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HOLT NATASSIA
 6390 CELTIC DR
 ATLANTA GA 30331

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TILLMAN BRENDA M & JOYCE JP
6375 CELTIC DR
ATLANTA GA 30331

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☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage \$

WITCHARD JACARI
860 PEACHTREE ST NE UNIT 1704
ATLANTA GA 30308-1276

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Postage	\$
To	
Se	WOODS TERRANCE O
St	2442 GILBERT DR
City	ATLANTA GA 30331

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☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage	\$
To	
Se	CAH 2015 1 BORROWER LLC
St	8665 E HARTFORD DR STE 200
City	SCOTTSDALE AZ 85255

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

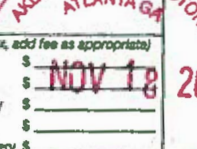
7020 1290 0000 7397 3691

7020 1290 0000 7397 3646

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☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

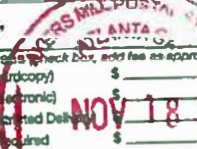
Postage	\$
Total	\$
Sent	RICHARDS RAYMOND
Street	6292 SELBORN DR
City	ATLANTA GA 30331

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☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage	\$
To	
Se	SAFARI ONE ASSET COMPANY LLC
St	8300 N MOPAC EXPRESSWAY # 200
City	AUSTIN TX 78759

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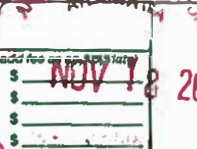
7020 1290 0000 7397 3653

7020 1290 0000 7397 3677

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☐ Return Receipt (hardcopy)	\$	
☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage	\$
To	
Se	YOUNG LILLIAN
St	6269 SELBORN DR
City	ATLANTA GA 30331

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☐ Return Receipt (electronic)	\$	
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☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage	\$
To	
Se	JOHNSTON SHERMA
St	945 CRESTMARK BLVD #138
City	LITHIA SPRINGS GA 30122-2682

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☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
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☐ Adult Signature Restricted Delivery

Postage
 \$

To
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SAFARI ONE ASSET COMPANY LLC
 5001 PLAZA ON THE LK SUITE 200
 AUSTIN TX 78746

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Postage
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To
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WASHINGTON KALEEMA
 6502 STONELAKE PL SW
 ATLANTA GA 30331

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☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery

Postage
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To
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BENJAMIN GERALD
 6297 SELBORN DR SW
 ATLANTA GA 30331-9402

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7020 1290 0000 7397 3592

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☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery

Postage
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To
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STONEWALL CAMPBELLTON LLC
 5755 DUPREE DR # 130
 ATLANTA GA 30327

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage
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To
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TRUITT KIMBERLY D
 6289 SELBORN DR SW
 ATLANTA GA 30331

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☐ Return Receipt (hardcopy)
☐ Return Receipt (electronic)
☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
☐ Adult Signature Restricted Delivery

Postage
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To
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YOUNG ERNEST L JR
 6330 SHELL DR
 ATLANTA GA 30331

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7020 1290 0000 7397 3530

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☐ Return Receipt (hardcopy) \$

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Postage

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SUMMIT @ STONEWALL UTILITY
 HOMEOWNERS ASSOC INC
 1100 NORTHMEADOW PKWY STE 114
 ROSWELL GA 30076

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☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

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Postage

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WALLACE JAMES M
 6395 CELTIC DR
 ATLANTA GA 30331

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☐ Certified Mail Restricted Delivery \$

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Postage

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ADAMS GERALD J II
 6499 STONELAKE PL
 ATLANTA GA 30331

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☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

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Postage

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FAIRLAKE VENTURES LLC
 3915 CASCADE RD # 110
 ATLANTA GA 30331

7020 1290 0000 7322 9729

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 ALLEN CHAMIKA PATRICE
 6317 SELBORN DR SW
 ATLANTA GA 30331

City

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7020 1290 0000 7322 9774

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 DR HORTON INC
 8800 ROSWELL RD BLDG/STE B 100
 SANDY SPRINGS GA 30350

City

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 DAVIS JOHNNIE L & EMMA B
 6309 SELBORN DR
 ATLANTA GA 30331

City

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
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☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 AYODELE MARCIA D
 6365 SELBORN DR
 ATLANTA GA 30331

City

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 COWART TIA
 6361 SELBORN DR SW
 ATLANTA GA 30331

City

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent
 31130-USPS

Street
 WILLIAMS JEAN S & ERINNA ELEANOR
 WILLIAMS
 6304 SELBORN DR SW
 ATLANTA GA 30331

City

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

MOSLEY CRISTAL R
6305 SELBORN DR
ATLANTA GA 30331

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

TEASLEY ANGEL
6308 SELBORN DR SW
ATLANTA GA 30331

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

MERIDY DOMINIQUE & SIMMONS ASHLEE
6363 CELTIC DR SW
ATLANTA GA 30331

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
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CARSON ANITRA L
2446 GILBERT DR
ATLANTA GA 30331

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

CHIEFTAIN ATLANTA L P
2434 E LAS OLAS BLVD
FORT LAUDERDALE FL 33301

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Certified Mail Fee	\$		Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$		
☐ Return Receipt (hardcopy)	\$		
☐ Return Receipt (electronic)	\$		
☐ Certified Mail Restricted Delivery	\$		
☐ Adult Signature Required	\$		
☐ Adult Signature Restricted Delivery	\$		

Postage
 \$ 31139 USPS
 Total
 \$
 Sent To
 RUSSELL RAMONA D & ROBERT L
 6268 SELBORN DR SW
 ATLANTA GA 30331-9407
 City, State, ZIP+4®

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Certified Mail Fee	\$		Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$		
☐ Return Receipt (hardcopy)	\$		
☐ Return Receipt (electronic)	\$		
☐ Certified Mail Restricted Delivery	\$		
☐ Adult Signature Required	\$		
☐ Adult Signature Restricted Delivery	\$		

Postage
 \$ 31139 USPS
 Total
 \$
 Sent To
 HALLS BRODRICK & CARLA
 6333 SELBORN DR
 ATLANTA GA 30331
 City, State, ZIP+4®

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Certified Mail Fee	\$		Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	\$		
☐ Return Receipt (hardcopy)	\$		
☐ Return Receipt (electronic)	\$		
☐ Certified Mail Restricted Delivery	\$		
☐ Adult Signature Required	\$		
☐ Adult Signature Restricted Delivery	\$		

Postage
 \$ 31139 USPS
 Total
 \$
 Sent To
 KARTOS JOHN L & ANGELINE
 P.O. BOX 22147
 KNOXVILLE TN 37933
 City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7397 3431

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OFFICIAL USE

Certified Mail Fee	\$		Postmark Here
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☐ Return Receipt (electronic)	\$		
☐ Certified Mail Restricted Delivery	\$		
☐ Adult Signature Required	\$		
☐ Adult Signature Restricted Delivery	\$		

Postage
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 Total
 \$
 Sent To
 WHEELER ANDREA
 145 WATERWAY CT
 ATLANTA GA 30331
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☐ Adult Signature Restricted Delivery	\$		

Postage
 \$ 31139 USPS
 Total
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 RHETT GERALD A ET AL
 6291 SHELL DR SW
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☐ Certified Mail Restricted Delivery	\$		
☐ Adult Signature Required	\$		
☐ Adult Signature Restricted Delivery	\$		

Postage
 \$ 31139 USPS
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 Sent To
 HINES APRIL R
 2434 GILBERT DR
 ATLANTA GA 30331
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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **PC LLC**
4158 MUSCROVE DR
FLORENCE AL 35630
City

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ATLANTA GA

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **BRITTANY PARK LLC**
1100 NORTHMEADOW PKWY # 114
ROSWELL GA 30076
City

NOV 18 2021
31139-USPS
ATLANTA GA

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **TAH 2017 1 BORROWER LLC**
1508 BROOKHOLLOW LLC DR
SANTA ANA CA 92705
City

NOV 18 2021
31139-USPS
ATLANTA GA

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **JONES MALISSA J**
2435 CHERYL LYNN LN
COLLEGE PARK GA 30349
City

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ATLANTA GA

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **PORTER LOWELL T**
6296 SELBORN DR
ATLANTA GA 30331
City

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ATLANTA GA

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total \$
Sent **FREEMAN MICHAEL A & FREEMAN ALICIA**
6329 SELBORN DR
ATLANTA GA 30331
City

NOV 18 2021
31139-USPS
ATLANTA GA

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☐ Adult Signature Required
☐ Adult Signature Restricted Delivery

Postage
 \$

Total
 \$

Lawson Willie J Et Al
 6403 Celtic Dr
 Atlanta GA 30331

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7020 1290 0000 7322 9668

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Postage
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Total
 \$

Culpepper Bobby & Brenda G
 6382 Celtic Dr
 Atlanta GA 30331

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Postage
 \$

Total
 \$

Murchison Danielle N
 6261 Selborn Dr SW
 Atlanta GA 30331

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Safari One Asset Company LLC
 5001 Plaza on the Lake Suite 200
 Austin TX 78746

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Total
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Ogle Deon
 125 Waterway Ct
 Atlanta GA 30331

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Total
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Pickett Michael
 6328 Selborn Dr
 Atlanta GA 30331

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7020 1290 0000 7322 9637

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Total

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Sent

St

City

NINVALLE JULIANA R & JULIAN W
2648 WATERDALE RD
ATLANTA GA 30331

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St

City

ZACHERY ROGER
6860 TELL RD
FAIRBURN GA 30213

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St

City

BOYKIN DERRICK
563 MEMORIAL DR SE # 201
ATLANTA GA 30312

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Postage

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Sent

St

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HOWARD CECIL & PEGGY
6285 SELBORN DR
ATLANTA GA 30331

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St

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MACKEY MICHAEL A & BEVERLY A T
6353 SELBORN DR
ATLANTA GA 30331

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St

City

OGLESBY CEDRIC
6379 CELTIC DR
ATLANTA GA 30331

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Postage
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Total
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7020 1290 0000 7322 9552
 CAMPBELL BERTHA
 4489 BAKERS FERRY RD SW
 ATLANTA GA 30331-4523

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7020 1290 0000 7322 9545

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Postage
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Total
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7020 1290 0000 7322 9545
 JONES JULLEAN ROACH & LENROY B
 6272 SELBORN DR
 ATLANTA GA 30331

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Postage
\$

Total
\$

7020 1290 0000 7322 9583
 GARRETT ALESHA L
 6298 SHELL DR
 ATLANTA GA 30331

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7020 1290 0000 7322 9569

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Postage
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Total
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7020 1290 0000 7322 9569
 ZACHERY ROGER L
 6860 TELL RD
 FAIRBURN GA 30213

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Postage
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Total
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7020 1290 0000 7322 9590
 WILLIAMS JERILYN & ROSS CHARLES JR
 2426 GILBERT DR SW
 ATLANTA GA 30331

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☐ Certified Mail Restricted Delivery
☐ Adult Signature Required
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Postage
\$

Total
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7020 1290 0000 7322 9576
 RICHARDS WELLINGTON & RICHARDS
 MICHAELLE MICHELLE
 2636 WATERDALE RD
 ATLANTA GA 30331

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent To
 SAFARI ONE ASSET COMPANY LLC
 5001 PLAZA ON THE LAKE SUITE 200
 AUSTIN TX 78746

City, State, ZIP+4®
 ATLANTA GA 30331

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent To
 ELMORE CORNELL D
 2451 GILBERT DR
 ATLANTA GA 30331

City, State, ZIP+4®
 ATLANTA GA 30331

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent To
 NIPPER TAHIEM & COLLEEN
 6386 CELTIC DR
 ATLANTA GA 30331

City, State, ZIP+4®
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent To
 HT CAMPBELLTON LLC
 3355 LENOX RD NE STE 425
 ATLANTA GA 30326-1352

City, State, ZIP+4®
 ATLANTA GA 30326-1352

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
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Total
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Sent To
 ROBINZINE CLARENCE E JR & PATRICIA C
 6359 CELTIC DR
 ATLANTA GA 30331

City, State, ZIP+4®
 ATLANTA GA 30331

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7020 1290 0000 7322 9514

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent To
 TATE SONYA
 6341 SELBORNE DR SW
 ATLANTA GA 30331

City, State, ZIP+4®
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Sent **CERBERUS SFR HOLDINGS II L P**
 P O BOX 2249
 CUMMING GA 30028

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7020 1290 0000 7322 9835

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☐ Return Receipt (electronic) \$
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☐ Adult Signature Restricted Delivery \$

Postage
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 \$

Sent **CULBERSON REAMON L & HOOKER ROBYN D**
 6281 SELBORN DR SW
 ATLANTA GA 30331

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent **CAPERS SHARLENE JANELLE**
 6367 CELTIC DR SW
 ATLANTA GA 30331

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent **GRAY TEMARIA & GRAY TAI**
 6300 SELBORN DR SW
 ATLANTA GA 30331

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9903

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
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Total
 \$

Sent **HOLMES EMMA W ET AL**
 6460 CHATTAHOOCHEE DR SW
 ATLANTA GA 30331

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee
 \$

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
 \$

Total
 \$

Sent **6293 SELBORN TRUST**
 PO BOX 310865
 ATLANTA GA 30331

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9798

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☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **WIGGINS FELICIA S & DICHELL L**
 6373 SELBORN DR
 ATLANTA GA 30331
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9781

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 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **ZACHERY ROGER L**
 6860 TELL RD
 FAIRBURN GA 30213
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9828

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Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **STEVENS CICELY R**
 130 WATERWAY CT SW
 ATLANTA GA 30331
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9804

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OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **BURTON RETINA & MARCUS**
 2439 GILBERT DR
 ATLANTA GA 30331
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9811

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **BURGESS ANTHONY DEQUAN**
 6303 SHELL DR SW
 ATLANTA GA 30331
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9842

U.S. Postal Service™
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OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total \$
 Sent To **TRAMMELL TAMAI**
 2435 GILBERT DR
 ATLANTA GA 30331
 City, State, ZIP+4®
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 7322 9712

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OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total	\$
Sent	COLE SJOCKEIA M & WILSON COLLIN L
Street	6383 CELTIC DR
City	ATLANTA GA 30331
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7020 1290 0000 7322 9705

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OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total	\$
Sent	TRAWICK JERRY & JANET
Street	2414 HARTLEY DR
City	ATLANTA GA 30331
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

APPENDIX F:

FULTON COUNTY SCHOOLS REPORT

Development Impact Statement

12/7/2021

PETITION: SANDTOWN FALLS (MODIFICATION)

Proposed Residential Units

JURISDICTION: South Fulton

<u>Single-family detached</u>	<u>Townhouses</u>	<u>Apartments</u>	<u>Condominiums</u>
0	32	0	0

HOME SCHOOL	2021-22 ENROLLMENT ^A	GADOE CAPACITY	ESTIMATED NEW STUDENTS GENERATED		PROJECTED UNDER/OVER CAPACITY ^B	
					WITHOUT DEV	WITH DEV
Stonewall Tell ES	665	850	1 to 4		-185	-184 to -181
Sandtown MS	1,037	1,175	0 to 2		-138	-138 to -136
Westlake HS	2,286	1,925	<u>1</u> to <u>3</u>		361	362 to 364
TOTAL			2 to 9			Insufficient historical data to run report?: ☐

HS REGION: Westlake HS		<u>AVERAGE - 1 STD DEV</u>		<u>AVERAGE + 1 STD. DEV.</u>	
One single-family detached unit generates:			to		
		0.064526	to	0.252412	elementary school students
		0.007768	to	0.110084	middle school students
		0.073416	to	0.229342	high school students
One townhouse unit generates:			to		
		0.039359	to	0.134673	elementary school students
		0.000000	to	0.051498	middle school students
		0.038597	to	0.103733	high school students
One apartment unit generates:			to		
		0.071860	to	0.18009	elementary school students
		0.022245	to	0.072111	middle school students
		0.065016	to	0.159388	high school students
One condominium unit generates:			to		
			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.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval Of A Resolution To Rename Stonewall Tell Road In The Cities Of South Fulton And Union City To Bill Edwards Drive

DATE: February 22, 2022

SUBJECT: Request Council Approval Of A Resolution To Rename Stonewall Tell Road In The Cities Of South Fulton And Union City To Bill Edwards Drive

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Bill Edwards Drive (Feb 2022 kk)	Cover Memo	2/18/2022

**AN RESOLUTION TO RENAME STONEWALL TELL ROAD IN THE CITIES OF
SOUTH FULTON & UNION CITY TO BILL EDWARDS DRIVE**

Plain Text Explanation:

Changes name of Stonewall Tell Road in honor of the City of South Fulton's 1st Mayor

(Sponsored by Mayor khalid)

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

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

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time city council; and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, recent events have brought renewed attention around the country regarding street names linked to the Confederacy and the City wishes to celebrate the heritage of its African-American residents and leaders, which make up 92 percent of the City's population; and

WHEREAS, William "Bill" Edwards was the first Mayor of the City of South Fulton and the County Commissioner for the area, previously known as unincorporated South Fulton County, from 2000-2014; and

WHEREAS, as City of South Fulton Mayor and Fulton County Commissioner, Edwards created citizen universities which educated many of area's current leaders, including a majority of the members of the inaugural and current City Council; including the City's new Mayor; and

WHEREAS, Mr. Edwards has been a tireless advocate for South Fulton schools, churches, arts, cultural and civic organizations and life,

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOVLVES
as follows:

Section 1. Renaming. The entire length of Stonewall Tell Road running through the City of South Fulton shall be renamed from “Stonewall Tell Road” to “Bill Edwards Drive” and all street signs along said route shall be changed to reflect the new name.

Section 2. The City of Union City is encouraged to adopt a similar Resolution to rename the portions of Stonewall Tell Road which fall within the city limits of Union City.

Section 3. All 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/or federal law.

The foregoing Resolution No. 2022-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
khalid kamau, Mayor	_____	_____
Dr. Catherine Foster Rowell	_____	_____
Carmalitha Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Dr. Mark Baker	_____	_____

THIS RESOLUTION so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMAS, CITY CLERK

APPROVED AS TO FORM:

VINCENT D. HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance To Amend The City Of South Fulton's Charter Article III, Organization Of Government, Selection Of Mayor Pro Tempore, Section 3.29; Article III, Organization Of Government, Election Of Mayor Pro Tempore, Section 3.11?(b)

DATE: February 22, 2022

SUBJECT: First Read of An Ordinance To Amend The City Of South Fulton's Charter Article III, Organization Of Government, Selection Of Mayor Pro Tempore, Section 3.29; Article III, Organization Of Government, Election Of Mayor Pro Tempore, Section 3.11?(b)

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor Pro tem (Jan2022)	Cover Memo	2/18/2022

AN ORDINANCE TO AMEND THE CITY OF SOUTH FULTON'S CHARTER ARTICLE III, ORGANIZATION OF GOVERNMENT, SELECTION OF MAYOR PRO TEMPORE, SECTION 3.29; ARTICLE III, ORGANIZATION OF GOVERNMENT, ELECTION OF MAYOR PRO TEMPORE, SECTION 3.11 (b) AND FOR OTHER LAWFUL PURPOSES

Plain Text Explanation:

Changes Mayor Pro tempore (also referenced as "Mayor Pro Tem") from an annually elected position to a position that rotates annually, automatically, based on seniority of Councilmembers.

(Sponsored by Mayor khalid)

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

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

WHEREAS, pursuant to City Charter Section 3.30(b), the City has established an Office of Mayor Pro tempore; and

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time city council; and

WHEREAS, O.C.G.A. § 36-35-3 authorizes the City to amend its municipal charter through a duly adopted ordinance that has been legally advertised in the official organ of the county of the legal situs of the municipal corporation or in a newspaper of general circulation in the municipal corporation; and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, Mayor and Council seek to depoliticize the Office of Mayor pro tempore and provide equal opportunity to all members of City Council experience and learn the duties of this role.

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

Section 1. The City of South Fulton Charter, Article III, Organization of Government, General Authority and Ordinances is hereby amended by deleting certain sentences and/or paragraphs and to read as follows:

ARTICLE III – ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY AND ORDINANCE

Section 3.11(b)

~~Following the induction of the mayor and councilmembers, the city council, by a majority vote, shall elect a councilmember to serve as mayor pro tempore.~~

A duly-elected, current member of City Council, as selected by the determination of seniority set forth in Section 3.29 of this Charter, shall assume the office of mayor pro tempore at Midnight on January 1 of each new year. The mayor pro tempore shall assume the official duties and powers of the mayor during any disability or absence of the mayor, as set forth in [Section 3.30](#) of this Charter. Any such disability or absence shall be declared by a majority vote of the city council.

Sec. 3.29 – Selection of the mayor pro tempore

~~There shall be a mayor pro tempore elected from among the councilmembers by the city council at the first regular meeting of each calendar year. The term of the mayor pro tempore shall be one year. No councilmember shall serve two or more successive terms as mayor pro tempore. All subsequent successors shall be elected at the first regular meeting of the city council in each calendar year to serve until the first regular meeting of the city council in the immediately following calendar year. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term at the next regularly scheduled council meeting.~~

- (a) The mayor pro tempore shall be the longest-serving member of Council, still in office on January 1 of the new year, who has not previously held the office before.
- (b) In the event that two or more such members meet the definition set forth in Paragraph a; the mayor pro tempore shall be the longest-serving member of Council, still in office on January 1 of the new year, who has not previously held the office before and who was first declared the victor with a majority plus one of the popular vote in the Elections of the previous year.
- (c) In the event that two or more such members meet the definition set forth in Paragraphs a and b; the mayor pro tempore shall be the longest-serving member of Council, still in office on January 1 of the new year, who has not previously held the office before and who was first declared the victor with a majority plus one of the popular vote in the Elections of the previous year whose last name appears first in a ranking by alphabetical order

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/or federal law.

The foregoing Ordinance No. 2022-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
khalid kamau, Mayor	_____	_____
Dr. Catherine Foster Rowell	_____	_____
Carmalitha Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Dr. Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Reading of An Ordinance To Amend Section 8 Of Title 14 Of The City Of South Fulton Code Of Ordinances Known As The City Of South Fulton Tree Planting Program, For The Purpose Of Amending The Regulations For Use Of Tree Funds; And For Other Lawful Purposes.

DATE: February 22, 2022

SUBJECT: First Reading of An Ordinance To Amend Section 8 Of Title 14 Of The City Of South Fulton Code Of Ordinances Known As The City Of South Fulton Tree Planting Program, For The Purpose Of Amending The Regulations For Use Of Tree Funds; And For Other Lawful Purposes.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Tree Fund revision Ordinance 12-29	Cover Memo	2/18/2022
COSF Memorandum FIS Tree Fund Ordinance	Cover Memo	2/18/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2021-_____

AN ORDINANCE TO AMEND SECTION 8 OF TITLE 14 OF THE CITY OF SOUTH FULTON CODE OF ORDINANCES KNOWN AS THE CITY OF SOUTH FULTON TREE PLANTING PROGRAM, FOR THE PURPOSE OF AMENDING THE REGULATIONS FOR USE OF TREE FUNDS; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Rowell)

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

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

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the Mayor and City Council of the City of South Fulton finds that this Ordinance is in the best interest of the public health, safety, and welfare.

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

Section 1. That Section 14-8002 (Definitions) of Section 8 (Tree Planting Program) of Title 14 (Environment) of the City of South Fulton Code of Ordinances to add the following definitions in the correct alphabetical order:

"Pruning means removing branches (or occasionally roots) from a tree or other plant using approved practices, to achieve a specified objective.

Section 2. That Section 14-8004 (Use of Tree Funds) of Section 8 (Tree Planting Program) of Title 14 (Environment) of the City of South Fulton Code of Ordinances which currently reads as follows:

"Section 14-8004. Use of tree funds.

The tree fund portion of each contract referred to in [section 14-8003](#) shall be placed into one or more trust funds to be established and administered by the city finance and administrative services department. Tree funds shall be equally allocated to each council district. Such funds shall be used to plant, install, and/or maintain trees and other landscaping (including labor, permitting and/or

other associated expenses) on the site of a capital project or at other public places in the council district, including:

- (1) All county, publicly owned and maintained properties (public rights-of-way, medians, sidewalks, buildings, real properties, facilities, major collector and arterial roads, etc.);
- (2) Conservation areas dedicated to and maintained by the city;
- (3) Greenspace areas owned and maintained by the city.

No tree funds shall be expended, and no trees shall be planted, with respect to property owned by a governmental entity other than the city unless and until an intergovernmental agreement between the city and said other governmental entity has been duly approved and executed by the governing bodies of both governments.”

be amended to read as follows:

“Section 14-8004. Use of tree funds.

The tree fund portion of each contract referred to in [section 14-8003](#) shall be placed into one or more trust funds to be established and administered by the city finance and administrative services department. Tree funds shall be equally allocated to each council district. Such funds shall be used for (1) the purchase, planting, and installation of trees; (2) the treatment or removal of dead, dying or diseased trees, vines, shrubs or invasive species (as determined by the City arborist); (3) no more than 25 percent of tree funds may be spent on maintenance and pruning of trees, and (4) labor, permitting and/or other associated expenses. All said activities shall take place on the site of a capital project or at other public places in the council district, including:

- (1) All city-owned and publicly-owned and maintained properties (public rights-of-way, medians, sidewalks, buildings, real properties, facilities, major collector and arterial roads, etc.);
- (2) Conservation areas dedicated to and maintained by the city;
- (3) Greenspace areas owned and maintained by the city.

No tree funds shall be expended, and no trees shall be planted, with respect to property owned by a governmental entity other than the city unless and until an intergovernmental agreement between the city and said other governmental entity has been duly approved and executed by the governing bodies of both governments.”

Section 3. That Section 14-8005 (Administration) of Section 8 (Tree Planting Program) of Title 14 (Environment) of the City of South Fulton Code of Ordinances which currently reads as follows

“Sec. 14-8005. - Administration.

The city department of environment and community development, development services division, shall develop recommendations regarding proposed sites in each council district for planting of trees using tree funds. Such recommendations shall be submitted to the city council for final approval or rejection.”

Be amended to read as follows:

“Sec. 14-8005. - Administration.

The Public Works Department, in conjunction with the Community Development and Regulatory Affairs Department, shall develop recommendations regarding proposed sites in each council district for planting of trees using tree funds. Such recommendations shall be submitted to the city council for final approval or rejection.”

Section 4. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

Section 5. All Ordinances and parts of Ordinances 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 clerk.

Section 7. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



[NAME OF WRITER]
[TITLE]

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: January 20, 2022
SUBJECT: Tree Fund Ordinance Amendment

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The City desires to amend Section 8 of Title 14 of The City of South Fulton Code of Ordinances Tree Planting Program.

FINANCIAL IMPACT

The proposed ordinance as written will have no financial impact on the City's budget.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Second Read and Request Council Approval of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers And For Other Lawful Purposes

DATE: February 22, 2022

SUBJECT: Second Read and Request Council Approval of An Ordinance Title 4, Law Enforcement, Chapter 1, In General, Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 4-1004, Authorization For The Chief Of Police To Administer Oath Of Office For Sworn Police Officers And For Other Lawful Purposes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ord2022 Public Safety Oath Ordinance rev 1	Cover Memo	2/18/2022
COSF Memorandum FIS Public Safety Oath Ordinance	Cover Memo	2/18/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-_____

AN ORDINANCE TO AMEND TITLE 4, LAW ENFORCEMENT, CHAPTER 1, IN GENERAL, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GEORGIA TO ADD SECTION 4-1004, AUTHORIZATION FOR THE CHIEF OF POLICE TO ADMINISTER OATH OF OFFICE FOR SWORN POLICE OFFICERS AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Willis, Councilmember Gumbs, Councilmember Sebastian, Councilmember Williams)

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

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

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City Council has determined it is necessary afford the police chief the same or similar authority to swear-in his personnel as other metro-Atlanta law enforcement agencies and/or throughout the nation; and

WHEREAS, the City desires to amend its code of ordinances through this Ordinance to effectuate this stated purpose.

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

Section 1. The Code of Ordinances, City of South Fulton, Georgia, Title 4, Law Enforcement, Chapter 1, In General, is hereby amended to add the following:

TITLE 4 – LAW ENFORCEMENT

Chapter 1 – In General

Section 4-1004, Authorization for the Chief of Police to Administer Oath of Office for Sworn Police Officers

The police chief or the chief's designee is authorized to, in accordance with Georgia law, to administer the oath of office to all sworn police officers employed by the City of South Fulton. When taken, the officer shall sign the official oath and copies thereof shall be filed with the City Clerk and in the personnel records of the officer so sworn. That oath shall take the following form:

, _____, do solemnly swear (or affirm) that I am duly qualified, according to the Constitution and laws of Georgia, to perform the duties imposed upon me as a Police Officer of the City of South Fulton, Georgia, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of Georgia. I swear that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, nor am I the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof. I further swear that I will enforce the criminal laws of the State of Georgia and the ordinances of the City of South Fulton, that I will abide by the rules governing the South Fulton Police Department, adhere to the Law Enforcement Code of Ethics, and uphold the Ethics Code of the City of South Fulton. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, or affection, reward, or the hope thereof. So help me God.

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

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

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

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. 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 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: January 20, 2022
SUBJECT: Public Safety Oath Ordinance

CONCLUSION

No direct funds are being requested.

BACKGROUND

The city desires to amend the Code of Ordinance Title 4, Chapter 1 to authorize the Chief of Police to administer the oath of office to Sworn Police Officers.

FINANCIAL IMPACT

The proposed ordinance as written will have no financial impact on the City's budget.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read Of An Ordinance To Amend Title 13 Fire Protection And Prevention, Chapter 1 Purpose And Administration, Section 13-1003 Fire Chief Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 13-1003 (B) To Provide Authorization For The Fire Chief To Administer Oath Of Office To Firefighters Of All Ranks

DATE: February 22, 2022

SUBJECT: First Read Of An Ordinance To Amend Title 13 Fire Protection And Prevention, Chapter 1 Purpose And Administration, Section 13-1003 Fire Chief Of The Code Of Ordinances, City Of South Fulton, Georgia To Add Section 13-1003 (B) To Provide Authorization For The Fire Chief To Administer Oath Of Office To Firefighters Of All Ranks

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Fire Oath Ordinance_Final (kv2.4.22)	Cover Memo	2/18/2022
COSF Memorandum FIS Fire Oath Ordinance	Cover Memo	2/18/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-_____

AN ORDINANCE TO AMEND TITLE 13 FIRE PROTECTION AND PREVENTION, CHAPTER 1 PURPOSE AND ADMINISTRATION, SECTION 13-1003 FIRE CHIEF OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GEORGIA TO ADD SECTION 13-1003 (B) TO PROVIDE AUTHORIZATION FOR THE FIRE CHIEF TO ADMINISTER OATH OF OFFICE TO FIREFIGHTERS OF ALL RANKS; AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmembers Willis, Gumbs, Sebastian and Williams)

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

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

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City desires to amend its code of ordinances through this Ordinance to provide for the fire chief with the authority to administer the oath of office to firefighters of all ranks.

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

Section 1. The Code of Ordinances, City of South Fulton, Georgia, Title 13 Fire Protection and Prevention, Chapter 1 Purpose and Administration, Section 13-1003 Fire Chief, is hereby amended to add the following:

TITLE 13 – FIRE PROTECTION AND PREVENTION

Chapter 1 – Purpose and Administration

Section 13-1003- Fire Chief

(b) The fire chief, or the chief's designee, is authorized to administer the oath of office to all firefighters of all ranks employed by the City of South Fulton. When taken, the officer shall sign the official oath and copies thereof shall be filed with the City Clerk and in the personnel records of the officer so sworn.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. 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 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: February 7, 2022
SUBJECT: Fire Oath Ordinance

CONCLUSION

No direct funds are being requested.

BACKGROUND

The city desires to amend Title 13 Fire Protection and Prevention Chapter 1 Purpose and Administration, Section 13-1003 to provide authorization for the Fire Chief to administer oath of office to firefighters of all ranks.

FINANCIAL IMPACT

The proposed ordinance as written will have no financial impact on the City's budget.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance To Amend Title 6, Health And Sanitation, Chapter 5, Abandoned Shopping Carts, Of The City Of South Fulton Code Of Ordinances To Amend Regulations For The Removal Of Abandoned Shopping Carts

DATE: February 22, 2022

SUBJECT: First Read of An Ordinance To Amend Title 6, Health And Sanitation, Chapter 5, Abandoned Shopping Carts, Of The City Of South Fulton Code Of Ordinances To Amend Regulations For The Removal Of Abandoned Shopping Carts

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Shopping Cart Ordinance 1-4	Cover Memo	2/18/2022

AN ORDINANCE TO AMEND TITLE 6, HEALTH AND SANITATION, CHAPTER 5, ABANDONED SHOPPING CARTS, OF THE CITY OF SOUTH FULTON CODE OF ORDINANCES TO AMEND REGULATIONS FOR THE REMOVAL OF ABANDONED SHOPPING CARTS; AND FOR OTHER PURPOSES.

(Sponsored by)

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

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

WHEREAS, the City has been vested with the power and authority to regulate the practice, conduct or use of property for the purpose of maintaining health, morals, safety, security, peace and the general welfare of the City; and

WHEREAS, the City Council wished to revise provisions applicable to the regulation of abandoned shopping carts by reducing the amount of time to remove abandoned shopping carts from 72 hours to 24 hours; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

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

Section 1. Section 5010 (Penalty for failure to submit, modify or implement plan) of Chapter 5 (ABANDONED SHOPPING CARTS) of Title 6 (HEALTH AND SANITATION) of the Code of the City of South Fulton, which reads as follows:

Sec. 6-5010. - Penalty for failure to submit, modify or implement plan.

"Any retail establishment that fails to provide a plan upon request, shall constitute a violation of this chapter. Failure to create or implement the plan shall be subject to the procedure and penalties that follow:

- (1) Once a merchant or point of contact, as specified in the cart retrieval plan, has spoken with code enforcement, the merchant has 72 hours to remove the carts.
- (2) If the city has to remove the carts, they will be immediately disposed of and the business fined a recovery fee.
- (3) The recovery fees shall be as follows: \$375.00 for the first cart and \$125.00 for each additional cart at the same location collected during

the same recovery effort. Failure to pay the recovery fees shall be a violation of this chapter.

- (4) Failure of any business and/or business owner to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$1,000.00."

be amended to read as follows:

Sec. 6-5010. - Penalty for failure to submit, modify or implement plan.

"Any retail establishment that fails to provide a plan upon request, shall constitute a violation of this chapter. Failure to create or implement the plan shall be subject to the procedure and penalties that follow:

- (1) Once a merchant or point of contact, as specified in the cart retrieval plan, has spoken with code enforcement, the merchant has 24 hours to remove the carts.
- (2) If the city has to remove the carts, they will be immediately disposed of and the business fined a recovery fee.
- (3) The recovery fees shall be as follows: \$375.00 for the first cart and \$125.00 for each additional cart at the same location collected during the same recovery effort. Failure to pay the recovery fees shall be a violation of this chapter.
- (4) Failure of any business and/or business owner to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$1,000.00."

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

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

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

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

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 the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution To Direct The City Manager To Conduct A Feasibility Study To Determine How Best To Establish A Contract Compliance Program; And For Other Purposes

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution To Direct The City Manager To Conduct A Feasibility Study To Determine How Best To Establish A Contract Compliance Program; And For Other Purposes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Res2021 Contract Compliance Feasibility Study (vh1.14.22) (1)	Cover Memo	2/18/2022
COSF Memorandum FIS Feasibility Study	Cover Memo	2/18/2022

A RESOLUTION TO DIRECT THE CITY MANAGER TO CONDUCT A FEASIBILITY STUDY TO DETERMINE HOW BEST TO ESTABLISH A CONTRACT COMPLIANCE PROGRAM, AND FOR OTHER PURPOSES

(Sponsor Councilmember Reeves, Councilmember Rowell)

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

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

WHEREAS, the City, pursuant to Section 3.10 (b) of its Charter, has the authority to adopt and provide for resolutions, rules and regulations, not inconsistent with the Charter and with the Constitution and laws of the State of Georgia; and

WHEREAS, the City Council desires to be proactive with finding the best way to establish a contract compliance program at the City; and

WHEREAS, contract compliance is essential to ensure that services, goods or other deliverables being provided to the City are consistent with the contract terms; and

WHEREAS, the feasibility study will act as a guide to the Council to determine the financial impact and how best to establish a contract administration unit or department; and

WHEREAS, this Resolution is in the best interests of the City and its employees and residents.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. That the City Manager is directed to conduct a feasibility study to develop and create a contract compliance program to serve the following goals for the City:

1. assure compliance with applicable laws and regulations; and
2. assure performance expectations are being achieved; and
3. assure conformity with contract provisions; and
4. implement any Local Small Business Enterprise Ordinance adopted by City Council.

Section 2. The feasibility study should be conducted and recommendations presented by the City Manager's to City Council by May 2022.

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. All resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

Section 5. The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: January 20, 2022
SUBJECT: Contract Compliance Feasibility Study Resolution

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The city desires to Conduct a Feasibility Study to determine how best to establish a contract compliance program.

FINANCIAL IMPACT

The only financial impact that the proposed resolution would be that of the payments for the study.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance To Promote Transparency In The City's Procurement Process, Ensure Accountability And ?Fair ?Competition, ?And For Other Lawful Purposes.

DATE: February 22, 2022

SUBJECT: First Read of An Ordinance To Promote Transparency In The City's Procurement Process, Ensure Accountability And ?Fair ?Competition, ?And For Other Lawful Purposes.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Transparency in Contracting Ordinance (1)	Cover Memo	2/18/2022
COSF Memorandum FIS Transparency in Contracting Ordinance	Cover Memo	2/18/2022

AN ORDINANCE TO PROMOTE TRANSPARENCY IN THE CITY'S PROCUREMENT PROCESS, ENSURE ACCOUNTABILITY AND FAIR COMPETITION, AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Rowell and Councilmember Reeves)

WHEREAS, the City Council is committed to greater transparency across its operations and through its procurement practices; and

WHEREAS, transparency promotes accountability by giving account for public procurement processes and public spending while maximizing open competition; and

WHEREAS, the City Council wants to provide for increased public confidence in the procedures followed by the City in procurement activities by ensuring that the public procurement process is made available to the public at large, to allow current and prospective contractors to take advantage of contracting opportunities offered by the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. For the purpose of transparency and accountably to taxpayers and ensuring the visibility of the flow of public funds, from the beginning of the process throughout the public procurement cycle, the Department of Finance, Purchasing Division ("Division") is responsible for the following:

1. Establish and maintain a list of the open and forecasted procurement opportunities that can be accessed from the city's website
2. Publish contract awards and prices of each award
3. Maintain a contractor-sanction list
4. Implement financial and conflict of interest disclosure requirement for elected officials.
5. Include the following in each procurement or solicitation:
 - a. Clear instructions on how to respond electronically to each solicitation, unless a solicitation cannot be responded to electronically, in which case the website shall provide clear instructions on how to respond to the solicitation through non-electronic means.
 - b. Include information on blackout time period for communications between the respondent and the elected official who may be required to vote on the procurement for all solicitation that are in excess of \$25,000.

Commented [RP1]: @Catherine Rowell Councilman
@Corey A. Reeves has requested to be added as a co-sponsor for this legislative item. @Katherine Vernet
@Vincent Hyman FYI

c. Protest procedures for any award or solicitation

6. Publish procurement information on the City's website regarding each contract executed by the City. For each contract contained in the database, the database shall include a unique identifier and, at a minimum, the following:

- a. A copy of the executed contract
- b. All determinations and findings related to the contract
- c. All contract modifications, change orders, or amendments associated with the contract
- d. All solicitation documents for the contract, including all requests for proposals and invitations for bids, and any amendments of such documents

The database should be able to generate a summary list of each contract executed by the City which shall include, for each contract, the contractor's name, a description of the goods or services purchased, and the dollar amount of the contract.

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

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

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

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

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 June 1, 2022, unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: February 14, 2022
SUBJECT: Transparency in Contracting Ordinance

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The city desires to promote transparency in the City's procurement process to ensure accountability and fair competition.

FINANCIAL IMPACT

The proposed ordinance as written will have no major financial impact on the City's budget, other than the expense of codifying the change in Municode, so at minimum about \$20 a page.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution To Authorize The Execution Of One Or More Lease Supplements For a Lease Under The GMA Direct Leasing Program

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution To Authorize The Execution Of One Or More Lease Supplements For a Lease Under The GMA Direct Leasing Program

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council approval to finance a new Sutphen Heavy-Duty 108' Rear-Mount Aerial Ladder through Tax-Exempt Leasing Corp at 2.27% for 7-years with an annual payment of \$173,286.83 and total cost of \$1,109,962.00 utilizing funds in the Fire department's capital budget

DATE: February 22, 2022

SUBJECT: Request Council approval to finance a new Sutphen Heavy-Duty 108' Rear-Mount Aerial Ladder through Tax-Exempt Leasing Corp at 2.27% for 7-years with an annual payment of \$173,286.83 and total cost of \$1,109,962.00 utilizing funds in the Fire department's capital budget

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Aerial Ladder (Fire)	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date 2/22/2022		
Requesting Department Fire Rescue Department		Council District(s) Affected District 1
Requested Action Approval to purchase a Sutphen Heavy-duty 108' aerial ladder		
Requirements for Council Action (City specific Council policy, statute or code requirement) Staff recommends Council approval.		
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) The City of South Fulton Fire Rescue Department is requesting to purchase a Sutphen Heavy-Duty 108' Rear-Mount Aerial Ladder complete and delivered for the total sum of \$1,109,962.00. In our capital budget, we planned on ordering 2-aerial apparatus. This apparatus is ready for delivery. The normal build time for an aerial is 18-months. This aerial will provide a life safety response to the citizens. This aerial will replace an aging 1998 ladder truck located at fire station 11. The department received three quotes to finance with Tax-exempt leasing corp. being the lowest with 2.27% for 7-years. This request is for an aerial ladder for station 11. Council approved a Rosenbauer engine in December 2021 for station 8. These apparatuses were included and approved in the FY22 capital budget for apparatus replacements. The aerial is replacing a 1998 Spartan LTI tiller and the Rosenbauer is replacing a 2002 Spartan Gladiator Engine.		
Funding Source (if applicable) 351-3520-54-2200 Vehicles		
Financial Impact (if applicable) Funds are already available in the FY22 Budget in account 350-3520-54-2200		
Financial Impact Statement Received Yes ☐ No ☒		
Legislative Process Complete Yes ☒ No ☐		
Department Director Approval <u>Chad C. Jones</u> Chad C Jones (Feb 9, 2022 15:05 EST)		Finance Director Approval <u>Karen Slaton-Dixon</u>
Assistant City Manager Approval <u>[Signature]</u>	City Attorney Approval <u>[Signature]</u>	City Manager Approval <u>Tanni Saddle-Jones</u> 2/14/2022



203 E. PARK AVENUE, LIBERTYVILLE, ILLINOIS 60048



847-247-0771



847-247-0772



www.taxexemptleasing.com

January 31, 2022

VIA E-MAIL: wayne.gilliard@cityofsouthfultonga.gov

Captain Wayne Gilliard
South Fulton Fire Department
South Fulton, Georgia

Dear Captain Gilliard:

I am pleased to provide the following quote for City of South Fulton for the financing of a new Sutphen Heavy Duty 108' Rear-Mount Aerial Ladder fire apparatus for the South Fulton Fire Department. This quote is valid for 14 days and is subject to credit review and proper documentation.

Equipment Cost (Approximate):	\$1,109,962.00
Down Payment:	\$0.00
Financed Amount:	\$1,109,962.00
Payment Frequency:	Annual, in arrears (first payment due one year from lease date)
Term:	7-years
Rate*:	2.27%
Payment*:	\$173,286.83
Factor^:	.15612

** Rate and payment assume that the Customer is a tax-exempt entity and the purchase of the equipment falls within the type of equipment allowed as tax-exempt under the I.R.S. Code. In the event this purchase is not exempt, the rate and payments will be adjusted accordingly.*

^ Factor is based on quoted rates. If the equipment cost changes or a down payment is made, the new payment amount can be calculated by multiplying the new financed amount by the rate factor.

Note: If the equipment will require a "build-out period", the financed amount will be placed into an escrow account at lease signing and funds disbursed as instructed by the customer.

I have attached an application that must be completed in order to proceed with the credit process. In addition, we will need copies of the City's last 3-years of audited financial statements, along with a copy of its current interim financial statement. Once these items are gathered, please fax all of the information to 866-2-FAX-APP (866-232-9277) or e-mail to markz@taxexemptleasing.com.

I appreciate this opportunity and look forward to proceeding. Please let me know if I can answer any questions. I can be reached at 847-247-0771.

Kind Regards,

Mark M. Zaslavsky
President



SUTPHEN

PROPOSAL

TO THE:

City of South Fulton Fire & Rescue Department
Attn: Chief C. Jones
5440 Fulton Industrial Blvd
South Fulton, GA 30349

DATE: January 17, 2022

We hereby propose and agree to furnish the following firefighting equipment upon your acceptance of this proposal via the Houston-Galveston Area Council (HGAC):

**One (1) Sutphen Heavy Duty 108' Rear-Mount Aerial Ladder (SLR108) Complete
and Delivered for the Total Sum of \$1,109,962.00**

This unit is an active "For Sale" demonstration unit available for delivery in April, 2022. To secure this unit and place on "HOLD", a Letter of Intent to Purchase shall be submitted until the official Purchase Agreement (Contract or Purchase Order) is submitted to Sutphen. The Letter of Intent shall hold the unit for 10 business days.

The price includes repainting of the cab to South Fulton top color and replacing graphics with South Fulton graphics scheme.

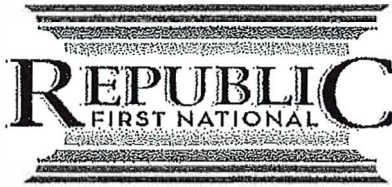
This proposal shall be valid for thirty (30) days. If the contract or purchase order is not received within this proposed duration, we reserve the right to extend, withdraw, or modify our proposal, including pricing, delivery times, and prepayment discounts as applicable.

Respectfully submitted,

Jerry Harley
Authorized Representative for Sutphen Corporation
336-613-8202

SUTPHEN CORPORATION

6450 Eiterman Road | Dublin, OH 43016 | 1-800-848-5860



2525 West State Road 114
Rochester, IN 46975
(800) 700-7878
Fax: (800) 865-8517
www.republicfirstnational.com

January 17, 2022

To: Jerry Harley
Vendor: Williams Fire Apparatus
From: Mackie Ozment

Customer: City of South Fulton

Thanks for the opportunity to give you a quote on your latest project

Equipment: One (1) Sutphen SLR108 Ladder

Unit Cost: \$ 1,109,462.00

Down Payment: \$ 0.00

Net Financed: \$ 1,109,462.00

Frequency of Payments: Annual

Term In Years:	<u>3</u>	<u>5</u>	<u>7</u>	<u>9</u>
Payments:	\$ 388,250.26	\$ 238,710.17	\$ 175,855.68	\$ 141,072.09
Factor:	0.34994	0.21516	0.15851	0.12715
APR:	2.47%	2.49%	2.67%	2.79%

Delivery Date: To be determined

First Lease Payment Due: January, 2023

The lease is to be executed within 14 days of the equipment purchase contract. The quote is subject to acceptance of our documentation and credit approval. Payments and rates reflect pre-application of escrow earnings and manufacturer discounts (if any); and are based upon vendor payments being made no earlier than above dates. Rates are subject to change with Treasury Bills of like-maturity prior to funding. The lease must qualify for Federal Income Tax Exempt status for the Lessor.

Sincerely,
Republic First National Corporation

Mackie Ozment
mackie@rfnonline.com

"When results matter"

Chad C. Jones

From: Wayne Gilliard
Sent: Monday, January 31, 2022 5:40 PM
To: Wayne Gilliard
Subject: FW: Lease Purchase Proposal

Official proposal from GMA

From: Philip Potter <ppotter@gacities.com>
Sent: Monday, January 31, 2022 1:37 PM
To: Wayne Gilliard <wayne.gilliard@cityofsouthfultonga.gov>
Subject: RE: Lease Purchase Proposal

Captain Gilliard—our current 7-year rate is 2.40% (subject to change with the markets). This would translate to annual payments of \$174,149.19 (Equipment Cost (Approximate): \$1,109,962.00. Please let me know if you need any other info. Once you say "Go", I can submit the request to the bank. Thanks again, Philip

From: Wayne Gilliard [<mailto:wayne.gilliard@cityofsouthfultonga.gov>]
Sent: Monday, January 31, 2022 11:05 AM
To: Philip Potter
Subject: Lease Purchase Proposal

Good morning Mr. Potter,

Would you please provide a 7 year lease-purchase quote for the attached fire truck proposal.

Thank you,



Wayne Gilliard
Captain
South Fulton Fire Rescue Department
5890 Plummer Road, S.W. | Atlanta, GA 30336
Direct 470.809.7549 | Mobile 470.898.7369 | Wayne.Gilliard@cityofsouthfultonga.gov

"Leadership is not what you do occasionally, but what you do consistently."



Philip Potter
Financial Services Manager
Office: 678-686-6274 Fax: 678-686-6374
www.gacities.com

READER ADVISORY NOTICE: This information is intended only for the individual named above. If you received this in error, please call 404-688-0472 to notify the sender, and then delete the email without printing, copying or retransmitting it. In addition, be advised that Georgia has a very broad open records law and that your email communications with GMA may be subject to public disclosure.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council approval authorizing the Mayor and other City Officials as required to sign a Project Framework Agreement (PFA) between the City of South Fulton and Georgia Department of Transportation (GDOT) for T277 (Cochran Road over Camp Creek Bridge Replacement) with an overall project cost of \$3,184,665 (20% City Match required)

DATE: February 22, 2022

SUBJECT: Request Council approval authorizing the Mayor and other City Officials as required to sign a Project Framework Agreement (PFA) between the City of South Fulton and Georgia Department of Transportation (GDOT) for T277 (Cochran Road over Camp Creek Bridge Replacement) with an overall project cost of \$3,184,665 (20% City Match required)

REFERENCE:

CONCLUSION:

BACKGROUND:

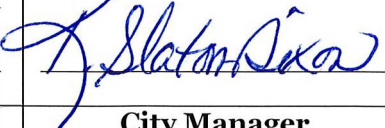
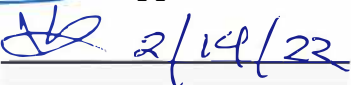
FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Project Framework Agreement (Public Works)	Cover Memo	2/18/2022

City of South Fulton Agenda Item Summary



City Council Meeting Date 2/23/21	
Requesting Department Public Works	Council District(s) Affected 2
Requested Action Motion to authorize the Mayor and other City Officials as required to sign a Project Framework Agreement (PFA) between City of South Fulton and Georgia Department of Transportation (GDOT) for T277 (Cochran Road over Camp Creek Bridge Replacement).	
Requirements for Council Action (City specific Council policy, statute or code requirement) Public Works staff recommends Council approval and execution of the PFA for this federally-funded project.	
Summary and Background (Provide department recommendation and an executive summary of the action that gives an overview of the relevant details) This PFA entitled the design, right-of-way acquisition, utility relocations, and construction of the bridge along Cochran Road over Camp Creek. The City of South Fulton is responsible for the oversight and management of the design process. The Project Framework Agreement is required for the project since it is receiving federal funds. The PFA will need to be fully executed before the City can invoice and request reimbursements from GDOT. The overall cost of the project is \$3,184,665. The authorized fund for the design phase is \$457,802. The city is responsible for the local match, 20% or (\$114,450).	
Funding Source (if applicable) Federal- Surface Transportation Block Grant (STBG) Program, as depicted in 'Exhibit A' of the PFA.	
Financial Impact (if applicable) Local match for the design is funded out of Account 340-4100-54-1400	
Financial Impact Statement Received Yes ☐ No ☐ Legislative Process Complete Yes ☐ No ☐	
Department Director Approval  2/14/22	Finance Director Approval 
Assistant City Manager Approval 	City Attorney Approval  2/14/22
City Manager Approval  2/15/2022	



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

January 10, 2022

P.I. 0015530, Fulton County
CR 1529/Cochran Road @ Camp Creek

Antonio M. Valenzuela, Public Works Director
City of South Fulton
5440 Fulton Industrial Blvd., S.W.
Suite A
Atlanta, Georgia 30336

Dear Mr. Valenzuela:

The Georgia Department of Transportation (GDOT) is pleased to inform you that your proposed project has been added to the Statewide Transportation Improvement Plan (STIP). The GDOT Project Manager assigned to this project is Gretel Sims and can be reached at (404) 631-1693. They will be your primary point of contact throughout the duration of this project. They will be contacting you about your agency's procurement timeline, the development of your project schedule, and advising you through the Plan Development Process (PDP). As a reminder you are required to adhere to the guidance of the Local Administered Projects (LAP) Manual, which includes but is not limited to adherence of the Brooks Act Federal guidelines for consultant selection. The LAP Manual can be accessed via www.dot.ga.gov/localgovernment/FundingPrograms/Pages/LAPManual.aspx

As the Local Public Agency (LPA), you will be responsible for completing the Local Letting Approval Form (LLAF) and submitting it to the GDOT Project Manager for approval to locally let a federally funded project. The LPA will be informed as to whether you will be required to fund GDOT oversight in the Preliminary Engineering or Construction phases of the project. If GDOT oversight funding is required, please send payment made out to the Georgia Department of Transportation as follows and include the above P.I. No. on the transaction:

For payments made by check:
Georgia Department of Transportation
P.O. Box 932764
Atlanta, GA 31193-2764

For payments made by ACH:
Bank Routing (ABA) # 1210000248
Account # 29794840000000007

The Project Framework Agreement (PFA) is required on your proposed project since you are receiving federal funds in the preliminary engineering phase. The GDOT Project Manager will provide you with the PFA stating each phase (preliminary engineering, right of way, utilities and construction) of the project and who is financially responsible for them per the STIP. The PFA will need to be fully executed by you and GDOT before any invoices can be processed for reimbursement.

P.I. No. 0015530
LAP Notification Letter
January 10, 2022
Page 2

If you have any questions, please contact the Project Manager, Gretel Sims at (404) 631-1693.

Sincerely,



Kimberly W. Nesbitt
State Program Delivery Administrator

KESD

KWN:KESD:GSS

cc: Malik Al-Kush, LPA Director/Manager
Honorable Dana L. Lemon, Board Member, Congressional District 013
Albert V. Shelby, III, Division Director of Program Delivery
Megan Weiss, MPO Planner
Paul DeNard, District 7 Engineer
Joshua Higgins, District 7 Planning and Programming Coordinator
Angela D. Robinson, Office of Financial Management

**PROJECT FRAMEWORK AGREEMENT
BY AND BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
CITY OF SOUTH FULTON
FOR
TRANSPORTATION FACILITY IMPROVEMENTS**

Please indicate which Catalog of Domestic Federal Assistance Number (CFDA) applies to this Agreement (Check only one):

- ☒ CFDA # 20.205 - Highway Planning and Construction Cluster
☐ CFDA # 20.219 - Recreational Trails Program

This Project Framework Agreement for Transportation Facility Improvements is made and entered into this [REDACTED] (the "Effective Date"), by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and the CITY OF SOUTH FULTON, acting by and through its Mayor hereinafter called the "LOCAL GOVERNMENT" (the "Agreement").

WHEREAS, the LOCAL GOVERNMENT has represented to the DEPARTMENT a desire to improve the transportation facility described in Exhibit "A", attached and incorporated herein by reference, identified as PI # 0015530 and hereinafter referred to as the "PROJECT"; and

WHEREAS, the LOCAL GOVERNMENT has represented to the DEPARTMENT a desire to participate in certain activities, as applicable, including the funding of certain portions of the PROJECT and the DEPARTMENT has relied upon such representations; and

WHEREAS, the DEPARTMENT has expressed a willingness to participate in certain activities of the PROJECT as set forth in this Agreement; and

WHEREAS, the Constitution authorizes intergovernmental agreements whereby state and local entities may contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the contracting parties are authorized by law to undertake or provide." Ga. Constitution Article IX, §III, ¶I(a).

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the LOCAL GOVERNMENT hereby agree each with the other as follows:

1. The LOCAL GOVERNMENT has applied for and received "Qualification Certification" to administer federal-aid projects. The GDOT Local Administered Project (LAP) Certification Committee has reviewed, confirmed and approved the LAP certification for the LOCAL GOVERNMENT (current expiration date: 09/03/22) to develop federal project(s) within the scope of its certification and pursuant to and in accordance with the DEPARTMENT'S current versions of Local Administered Project Manual, the DEPARTMENT's Plan Development Process (hereinafter referred to as "PDP"), Electronic Data Guidelines, Plan Presentation Guide, and any other applicable DEPARTMENT guidance.

2. The DEPARTMENT shall participate in the PROJECT by funding all or certain portions of the PROJECT costs for the preconstruction engineering (design) activities, herein referred to as “PE”, as specified in Exhibit “A”. The LOCAL GOVERNMENT shall contribute to the PROJECT by funding those project costs as set out in Exhibit “A”.

3. The funding portion as identified in Exhibit “A” of this Agreement only applies to the PE. Further, the LOCAL GOVERNMENT shall be responsible for repayment of any expended federal funds if the PROJECT does not proceed forward to completion due to a lack of available funding in future PROJECT phases, changes in local priorities, or cancellation of the PROJECT by the LOCAL GOVERNMENT without concurrence by the Federal Highway Administration (FHWA).

4. Reserved

5. The LOCAL GOVERNMENT shall accomplish the PE activities in accordance and pursuant to with the LAP certification as outlined above in Paragraph 1, the PDP, the applicable guidelines of the American Association of State Highway and Transportation Officials, hereinafter referred to as “AASHTO”, the DEPARTMENT's Standard Specifications Construction of Transportation Systems, and all applicable design guidelines and policies of the DEPARTMENT, in order to, among other goals, produce a cost effective PROJECT. Failure to follow the PDP and all applicable guidelines and policies will jeopardize the use of federal funds in some or all categories outlined in this Agreement, and it shall be the responsibility of the LOCAL GOVERNMENT to make up the loss of that funding.

6. The primary consultant firm or subconsultants hired by the LOCAL GOVERNMENT to provide services on the PROJECT shall be prequalified with the DEPARTMENT in the appropriate area-classes. The DEPARTMENT shall, on request, furnish the LOCAL GOVERNMENT with a list of prequalified consultant firms in the appropriate area-classes. If there is federal aid highway program funding participation, the LOCAL GOVERNMENT shall comply with all applicable state and federal regulations for the procurement of engineering and design related services including but not limited to 23 C.F.R. Part 172, or the Brooks Architect-Engineers Act of 1972, for any consultant hired to perform work on the PROJECT. If there are no federal aid highway program funding in the engineering and design related services contract, the contracting agency may procure the services in accordance with its own established policies and procedures which reflect applicable State and local laws. However, in such an event, the costs of consultant service contracts that utilize only State or local funding which were not procured, negotiated, or administered in accordance with applicable Federal laws and regulations would not be eligible to apply toward the non-Federal share of costs for subsequent phases (e.g., construction) of a project funded by the federal aid highway program.

7. The DEPARTMENT will be responsible for all railroad coordination on DEPARTMENT Let and/or State Route (On-System) projects; the LOCAL GOVERNMENT shall address concerns, comments, and requirements to the satisfaction of the Railroad and the DEPARTMENT. If the LOCAL GOVERNMENT is shown to let the construction per an approved Local Let Approval Form (LLAF) on off-system routes, the LOCAL GOVERNMENT shall be responsible for all railroad coordination and addressing concerns, comments, and requirements to the satisfaction of the Railroad and the DEPARTMENT for the PROJECT.

8. The DEPARTMENT reserves the right to review and reserves approval authority for all aspects of the PROJECT provided, however, this review and approval does not relieve the LOCAL GOVERNMENT of its responsibilities under the terms of this Agreement.

9. The LOCAL GOVERNMENT agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer files and printouts, and any other data prepared under the terms of this Agreement shall become the property of the DEPARTMENT if the PROJECT is being let by the DEPARTMENT. This data shall be organized, indexed, bound, and delivered to the DEPARTMENT no later than the advertisement of the PROJECT for letting. The DEPARTMENT shall have the right to use this material without restriction or limitation and without compensation to the LOCAL GOVERNMENT.

10. The LOCAL GOVERNMENT shall be responsible for the professional quality, technical accuracy, and the coordination of all reports, designs, drawings, specifications, and other services furnished by or on behalf of the LOCAL GOVERNMENT pursuant to this Agreement. The LOCAL GOVERNMENT shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the reports, designs, drawings, specifications, and other services furnished for this PROJECT. Failure by the LOCAL GOVERNMENT to address the errors, omissions or deficiencies within 30 days of notification shall cause the LOCAL GOVERNMENT to assume all responsibility for construction delays and supplemental agreements caused by the errors and deficiencies. All revisions shall be coordinated with the DEPARTMENT prior to issuance. The LOCAL GOVERNMENT shall also be responsible for any claim, damage, loss or expense, to the extent allowed by law that is attributable to errors, omissions, or negligent acts related to the designs, drawings, specifications, and other services furnished by or on behalf of the LOCAL GOVERNMENT pursuant to this Agreement.

11. The LOCAL GOVERNMENT shall provide insurance under this Agreement as follows:

- a. It is understood that the LOCAL GOVERNMENT (*complete the applicable statement*):
☐ is self-insured and all claims against LOCAL GOVERNMENT will be handled through

OR

☒ shall obtain coverage from LOCAL GOVERNMENT's private insurance company or cause its consultant/contractor to obtain coverage.

Prior to beginning the work, LOCAL GOVERNMENT shall furnish to the DEPARTMENT, a copy of the certificates and the endorsement page for the minimum amounts of insurance indicated below in this Section 11 of the Agreement.

- b. Minimum Amounts. The following minimum amount of insurance from insurers rated at least A- by A. M. Best's and registered to do business in the State of Georgia:
- i. Commercial General Liability Insurance of at least \$1,000,000 per occurrence \$3,000,000 aggregate, including Automobile Comprehensive Liability Coverage with bodily injury in the minimum amount of \$1,000,000 combined single limits each occurrence. DEPARTMENT shall be named as an additional insured and a copy of the policy endorsement shall be provided with the insurance certificate.
 - ii. Professional Liability (Errors and Omissions) Insurance with limits of at least:
 - a) For Professionals – \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
 - b) For Sub-consultant Engineers and Architects – \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
 - c) For Other Consultants – \$1,000,000 per claim and \$1,000,000 in aggregate coverage.

- d) Professional liability insurance that shall be either a practice policy or project-specific coverage. Professional liability insurance shall contain prior acts coverage for services performed for this PROJECT. If project-specific coverage is used, these requirements shall be continued in effect for two years following final completion for the PROJECT.
- c. The above-listed insurance coverages shall be maintained in full force and effect for the entire term of the Agreement.
- d. The insurance certificate must provide the following:
 - i. Name, address, signature and telephone number of authorized agents.
 - ii. Name and address of insured.
 - iii. Name of Insurance Company.
 - iv. Description of coverage in standard terminology.
 - v. Policy number, policy period and limits of liability.
 - vi. Name and address of DEPARTMENT as certificate holder.
 - vii. Thirty (30) day notice of cancellation.
 - viii. Details of any special policy exclusions.
- e. Waiver of Subrogation. There is no waiver of subrogation rights by either party with respect to insurance.
- f. If and to the extent such damage or loss (including costs and expenses) as covered by this indemnification set forth herein is paid by the State Tort Claims Trust Fund, the State Authority Liability Trust Fund, the State Employee Broad From Liability Fund, the State Insurance and Hazard Reserve Fund, and other self-insured funds established and maintained by the State of Georgia Department of Administrative Services Risk Management Division or any successor agency (all such funds hereinafter collectively referred to as the "Funds"), in satisfaction of any liability, whether established by judgment or settlement, the LOCAL GOVERNMENT and its consultant/contractor agrees to reimburse the Funds for such monies paid out by the Funds.

12. The Parties acknowledge that the following Exhibits and Attachments to this Agreement are hereby incorporated into and made a part of this Agreement as though expressly written herein:

EXHIBIT A – TIP/STIP Insert

APPENDIX A – Georgia Security and Immigration Compliance Act Affidavit

APPENDIX B – Federal Award Identification Worksheet

APPENDIX C – Certification of Local Government Drug Free Workplace

APPENDIX D – Certification of Compliance with State Audit Requirement

APPENDIX E – Title VI Certification and Acknowledgement Form

APPENDIX F – Request for Qualifications (RFQ) and prequalified consultant award selection package, if applicable

13. COMPLIANCE WITH APPLICABLE LAWS

a. The undersigned, on behalf of the LOCAL GOVERNMENT, certifies that the provisions of Section 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated ("O.C.G.A.") relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.

b. The provisions of O.C.G.A. § 50-24-1 through 50-24-6 relating to the "Drug-Free Workplace Act" have been complied with in full, as stated in Appendix A of this Agreement.

c. The LOCAL GOVERNMENT has read and understands the regulations for State Audit Requirement as stated in Appendix D of this Agreement and will comply in full with said provisions of O.C.G.A. § 36-81-7.

d. By execution of this Agreement, I, on behalf of the LOCAL GOVERNMENT, certify under penalty of law that the LOCAL GOVERNMENT is in compliance with the service delivery strategy law (O.C.G.A. § 36-70-20 et seq.) and is not debarred from receiving financial assistance from the State of Georgia.

e. The LOCAL GOVERNMENT hereby agrees that it shall comply, and shall require its subcontractors to comply, with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et seq.* and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.

f. Pursuant to O.C.G.A. § 13-10-91, the LOCAL GOVERNMENT and all contractors and subcontractors performing work under this Agreement are, and shall be at all times, in compliance with the Federal Work Authorization Program. Prime contractors and subcontractors may participate in any of the electronic verification work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United State Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 ("IRCA"), Appendix A.

g. The LOCAL GOVERNMENT hereby agrees that neither it nor its subcontractors shall discriminate on the basis of age, race, color, sex, national origin, religion or disability and that it and its subcontractors shall comply, at a minimum, with the following Georgia laws: the Georgia Age Discrimination Act (O.C.G.A. § 34-1-2 et seq.); the Georgia Equal Employment for Persons with Disabilities Code (O.C.G.A. § 34-6A-1 et seq.); and the Sex Discrimination in Employment (O.C.G.A. § 34-5-1 et seq.). The LOCAL GOVERNMENT further agrees that it and its subcontractors will comply with any and all state and federal laws not specifically stated herein addressing discrimination to the extent that such is applicable.

h. LOCAL GOVERNMENT acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement.

14. NOTICE. The telephone numbers, contact persons, and mailing addresses listed below for the DEPARTMENT's and the LOCAL GOVERNMENT's representatives may be changed during the term of this Agreement by written notification to the other party. Notices given pursuant to this Agreement shall be in writing and shall be to the DEPARTMENT or LOCAL GOVERNMENT by delivering them in person, via email, or by depositing it in the U.S. mail postage prepaid, addressed to the parties as follows

DEPARTMENT
Name: Kimberly Nesbitt
Title: State Program Delivery Administrator
600 West Peachtree Street, N.W.
25th Floor
Atlanta, Georgia 30308
Telephone #:(404) 631-1693
E-mail: knesbitt@dot.ga.gov

LOCAL GOVERNMENT
Name: Antonio M. Valenzuela
Title: Public Works Director
5440 Fulton Industrial Blvd., S.W.,
Suite A
Atlanta, Georgia 30336
Phone #: (470) 809-7451
E-mail: antonio.valenzuela@cityofsouthfultonga.gov

In the event that any of the above identified individuals are no longer serving at their identified position, any notices, requests, demands and other communications shall be sent to the current individual in the position. If any of the above identified positions no longer exist, any notices, requests, demands and other communications shall be sent to an equivalent position within the party, as identified by the party.

15. This Agreement is made and entered into in FULTON COUNTY, GEORGIA, and shall be governed and construed under the laws of the State of Georgia.

16. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

17. If any provision of this amendment is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

18. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the parties hereto, any rights or benefits under or by reason of this Agreement.

19. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals the day and year above first written.

Georgia Department of Transportation

CITY OF SOUTH FULTON, Georgia

By: _____
Commissioner

By: _____ (Seal)
Name and Title

Attest:

Signed, sealed and delivered
This _____,
in the presence of:

Treasurer

Witness

Notary Public

This Agreement, approved by
CITY OF SOUTH FULTON, the _____

Attest:

Name and Title

Federal Employer Identification
Number: 1209926

EXHIBIT A STIP/TIP

FS-286C	CR 1529/COCHRAN ROAD @ CAMP CREEK	Jurisdiction	Fulton County (South)	Existing	Planned	Length (mi.)	Network Year
0015530		Sponsor	City of South Fulton	N/A	N/A	0.4	TBD
Programmed		Service Type	Roadway / Bridge Upgrade	Analysis			LCI ☐
				Exempt from Air Quality Analysis (40 CFR 93)			Flex ☐

	Status	Year	Fund Type	Federal	State	Local	Bonds	Total
PE	AUTH	2017	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	\$240,000	\$0,000	\$60,000	\$0,000	\$300,000
PE		2021	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	\$217,802	\$0,000	\$54,450	\$0,000	\$272,252
ROW		2022	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	\$120,000	\$0,000	\$30,000	\$0,000	\$150,000
UTL		2023	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	\$120,000	\$0,000	\$30,000	\$0,000	\$150,000
CST		2023	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	\$1,849,930	\$0,000	\$462,483	\$0,000	\$2,312,413
				\$2,547,732	\$0,000	\$636,933	\$0,000	\$3,184,665

THIS REFLECTS THE CURRENT TIP/STIP AS OF THE EXECUTION OF THIS PFA. ANY MODIFICATION TO THE PE PHASES WILL TRIGGER A SUPPLEMENTAL PFA. ANY MODIFICATIONS TO THE ROW, UTL or CST PHASES WILL BE ADDRESSED WITH SUBSEQUENT AGREEMENTS.

APPENDIX A

Georgia Security and Immigration Compliance Act Affidavit

(Appendix A shall follow on the next page)

**GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT**

P.I.# and Project Description:	0015530 CR 1529/Cochran Road @ Camp Creek
Sponsor/Local Government's Name:	City of South Fulton
Sponsor/Local Government's Address:	5540 Fulton Industrial Blvd. Atlanta, Georgia 30336.

**/LOCAL GOVERNMENT
AFFIDAVIT**

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned person or entity will continue to use the federal work authorization program throughout the contract period and the undersigned person or entity will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). The undersigned person or entity hereby attests that its federal work authorization user identification number and date of authorization are as follows:

1209926

Federal Work Authorization User Identification Number
(EEV/E-Verify Company Identification Number)

6/01/2017

Date of Authorization

City of South Fulton

**I hereby declare under penalty of perjury that the foregoing
is true and correct**

Printed Name (of Authorized Officer or Agent)

Title (of Authorized Officer or Agent)

Signature (of Authorized Officer or Agent)

Date Signed

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

____ DAY OF _____, 20____

Notary Public

My Commission Expires: _____ [NOTARY SEAL]

APPENDIX B
Federal Award Identification Worksheet

Subrecipient's name (must match registered name in DUNS)	City of South Fulton
Subrecipient's DUNS number (see § 200.32 Data Universal Numbering System (DUNS))	081057304
Federal Award Identification Number (FAIN)	693JJ22130000Z23EGA0015530
Federal award date (see § 200.39 Federal Award Date)	06/01/2021
Amount of Federal Funds Obligated by this action	\$217,801.60
Total Amount of Federal Funds Obligated to the subrecipient	\$457,801.60
Total Amount of the Federal Award	\$457,801.60
Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)	CR 1529/Cochran Road @ Camp Creek
Name of Federal awarding agency, pass-through entity, and contact information for awarding official	FHWA, GDOT, Gretel Sims; 404-631-1693; gsims@dot.ga.gov
CFDA Number and Name (the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement)	CFDA # 20.205 – Highway Planning and Construction Cluster
Identification of whether award is R&D	No
Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 200.414 Indirect (F&A) costs)	N/A

This project must comply with all aspects of 2 CFR Part 200.

**APPENDIX C
CERTIFICATION OF LOCAL GOVERNMENT
DRUG-FREE WORKPLACE**

I hereby certify that I am a principal and duly authorized representative of [REDACTED] whose address is [REDACTED] and it is also certified that:

1. The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and
2. A drug-free workplace will be provided for the LOCAL GOVERNMENT's employees during the performance of the contract; and
3. Each subcontractor hired by the LOCAL GOVERNMENT shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. The LOCAL GOVERNMENT shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with [REDACTED], [REDACTED] certifies to the LOCAL GOVERNMENT that a drug-free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated Section 50-24-3"; and
4. It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

[REDACTED]
Date

[REDACTED]
Signature

Name: [REDACTED]

Title: [REDACTED]

APPENDIX D CERTIFICATION OF COMPLIANCE WITH STATE AUDIT REQUIREMENT

I hereby certify that I am the duly authorized representative of _____ whose address is _____, and it is also certified that:

I. PROCUREMENT REQUIREMENTS

The below listed provisions of State Procurement requirements shall be complied with throughout the contract period:

(a) Provisions of Section Chapters 2 and Chapters 4 of the Title 32 of the Official Code of Georgia Annotated. Specifically, as to the County the provisions of O.C.G.A. § 32-4-40 et seq. and as to the Municipality the provisions of O.C.G.A. § 32-4-92 et seq.

II. STATE AUDIT REQUIREMENT

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the “Requirement of Audits” shall be complied with throughout the contract period in full, including but not limited to the following provisions:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of \$550,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than \$550,000.00 in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

III. SERVICE DELIVERY STRATEGY REQUIREMENT

The provisions of Section 36-70-20 et seq. of the Official Code of Georgia, relating to the “Coordinated And Comprehensive Planning And Service Delivery By Counties And Municipalities”, as amended, has been complied with throughout the contract period.

Date

Signature

Name:

Title:

APPENDIX E

TITLE VI INTRODUCTION

As a sub-recipient of federal funds from Georgia Department of Transportation, all municipalities are required to comply with Title VI of the Civil Rights Act of 1964 which provides that:

"No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under This title or carried out under this title."

Additionally, the Civil Rights Restoration Act of 1987, expanded the definition of the terms "programs and activities" to include all programs or activities of federal recipients, subrecipients, and contractors, whether or not such programs and activities are federally assisted.

The provisions of Title VI apply to all contractors, subcontractors, consultants and suppliers. And is a condition for receiving federal funds. All sub recipients must sign Title VI assurances that they will not discriminate as stated in Title VI of the Civil Rights Act of 1964.

In the event that the sub recipient distributes federal aid funds to second tier entity, the subrecipient shall include Title VI language in all written documents and will monitor for compliance. If, these assurances are not signed, the City or County government may be subjected to the loss of federal assistance.

All sub recipients that receive federal assistance must also include Federal Highways Administrations 1273 in their contracts. The FHWA 1273 sets out guidance for ensuring non discrimination and encouraging minority participation and outreach.

Enclosed you will find Title VI acknowledgment form and the Title VI assurances. The Title VI acknowledgment form and Title VI assurances must be signed by your local government official if it has not been signed.

TITLE VI ACKNOWLEDGEMENT FORM

The _____ assures that no person shall on the grounds or race, color, national origin or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City or County sponsored program or activity. The _____ assures that every effort will be made to ensure nondiscrimination in all of its programs or activities, whether those programs are federally funded or not.

Assurance of compliance therefore falls under the proper authority of the City Council or the County Board of Commissioners. The Title VI Coordinator or Liaison is authorized to ensure compliance with provisions of this policy and with the Law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Official Name and Title

Date

Citations:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

Other Nondiscrimination Authorities Expanded the range and scope of Title VI coverage and applicability

The 1970 Uniform Act (42 USC 4601)
Section 504 of the 1973 Rehabilitation Act (29 USC 790) The
1973 Federal-aid Highway Act (23 USC 324)
The 1975 Age Discrimination Act (42 USC 6101) Implementing
Regulations (49 CFR 21 & 23 CFR 200) Executive Order 12898 on
Environmental Justice (EJ) Executive Order 13166 on Limited
English Proficiency (LEP)

**NOTICE TO SPONSOR/LOCAL GOVERNMENT
COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

During the performance of this contract, the SPONSOR/ LOCAL GOVERNMENT, for itself, its assignees, and successors in interest (hereinafter referred to as the "SPONSOR"), agree as follows:

1. Compliance with Regulations

The SPONSOR shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The SPONSOR, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The SPONSOR shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the SPONSOR for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the SPONSOR of the SPONSOR's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The SPONSOR shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a sponsor is in the exclusive possession of another who fails or refuses to furnish this information, the Sponsor shall so certify to the State Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the SPONSOR's noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the SPONSOR under the contract until the SPONSOR complies;
- and/or b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The SPONSOR shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The SPONSOR shall take such action with respect to any subcontractor or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Sponsor becomes involved in, or is

threatened with, litigation with a subcontractor or supplier as a result of such direction, the Sponsor may request the State to enter into such litigation to protect the interests of the state and, in addition, the Sponsor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX F

**Request for Qualifications (RFQ) &
Prequalified Consultant Award Selection Package (if applicable)**

Preconstruction Status Report

PI NUMBER:	0015530	CR 1529/COCHRAN ROAD @ CAMP CREEK							
COUNTY:	Fulton	SPONSOR:	South Fulton	MEASURE:	E	BASELINE LET DT:	6/15/23	MGMT LET DT:	6/15/23
LENGTH(MI):	0.40	MPO:	Atlanta TMA	DESIGN FIRM:	Long Engineering, Inc	SCHED LET DT:	12/6/23	MGMT ROWDT:	4/15/22
PROJ NO:		TIP#:	FS-286C	PRIORITY CD:		LIGHTING TYP:	None	WHO LETS?:	Local Let
PROJ MGR:	Sims, Gretel	MODEL YR:		DOT DIST:	7	ENV DOC TYPE:	NEPA	LET WITH:	0
AOHD INITIALS:	KESD	TYPE WORK:	Bridges	CONG. DIST:	013	ENV CONSULTANT:	Atlas		
OFFICE:	Program Delivery	CONCEPT:	BR REPL/WIDEN	COMPLETE STREETS:	P				
CONSULTANT:	Local Design, Reimbursed by GDOT funds	PROG TYPE:	Replacement	SUFF:	38.8				

BASE START	BASE FINISH	TASKS	START DATE	FINISH DATE	ACTUAL START	ACTUAL FINISH	%
5/31/17	4/4/18	Concept Development Phase LOE	5/31/17	4/4/18	5/31/17	4/4/18	100
5/31/17	1/31/18	Concept Report Development LOE	5/31/17	1/31/18	5/31/17	1/31/18	100
8/1/17	12/15/17	Database Summary	8/1/17	12/15/17	8/1/17	12/15/17	100
9/26/17	9/26/17	Environmental Activity LOE (11412 through 18100)	9/26/17	9/26/17	9/26/17	9/26/17	100
9/26/17	4/27/19	Environmental Resource Identification Summary	9/26/17	4/27/19	9/26/17	4/27/19	100
1/24/18	1/24/18	PM Review and Submit Finalized Concept Report for Approval	1/24/18	1/24/18	1/24/18	1/24/18	100
4/4/18	4/4/18	Management Concept Approval Complete	4/4/18	4/4/18	4/4/18	4/4/18	100
4/15/18	6/2/21	Preliminary Bridge Design Summary	4/15/18	4/12/22	4/15/18		100
7/16/18	7/16/18	Public Information Open House or Comment Period Held	7/16/18	7/16/18	7/16/18	7/16/18	100
9/24/20	6/2/21	Preliminary Roadway Plans LOE (Designer Activities)	11/30/20	4/18/22	11/30/20		50
9/20/21	9/20/21	PFPR Inspection	6/9/22	6/9/22			0
11/10/21	12/3/21	ROW Plans Preparation	10/1/21	8/19/22	10/1/21		0
1/25/22	3/21/22	ROW Plans Final Approval	8/22/22	10/18/22			0
3/4/22	10/20/22	Final Roadway Plans LOE (Designer Activities)	8/22/22	4/13/23			0
3/4/22	3/21/22	L & D Approval	8/22/22	9/7/22			0
4/18/22	1/11/23	ROW Acquisition Summary	10/25/22	7/19/23			0
4/18/22	4/18/22	ROW Authorization	10/25/22	10/25/22			0
11/15/22	3/21/23	404 and Buffer Variance (BV) Permits LOE	5/9/23	9/7/23			0
11/24/22	11/24/22	BFI Report LOE	5/16/23	5/16/23			0
12/7/22	12/7/22	PFPR Inspection	5/30/23	5/30/23			0
4/5/23	4/5/23	Submit Final Plans	9/22/23	9/22/23			0

Bridge : KMS 11/15/21 LONG/ATLAS - PL SENT OUT 11/12/21 - REV'D RESUBMITTAL 11/12/21 - PL COMMENTS SENT BACK 10/18/21 - PL COMMENTS SENT BACK 9/22/27 - REC'D TOTAL REDESIGN OF PL 6/17/21 - PL COMMENTS SENT BACK 9/14/18

Design : Consultant: Long Engineering. Consultant PM: Sammy Powell. Phone: 770-951-2495.
Local PM: Ben Rabun. Phone: 770-263-5945.

EIS : On Sched. BL APR22 ROW | Will Cert by 25MAR22 | PCE not approved | Robertson/Mohammadshirazi 27DEC21

LGPA : TO BE DETERMINED

Planning : Traffic completed for (2022/2042) & (2024/2044) on 9/20/17.

Prog. Develop : ARC TIP ADMIN MOD 2-27-2017

Programming : PROGRAMMED AT THE REQUEST OF ARC#1 6-2021

ROW : ASU:12 Mos 6 Parcels FJW 2-16-21;12 mos FJW 10-25-18|

Utility : GM:12/14/2021: On Schedule | NOT READY TO CERTIFY | Need Local Let Cert Package by 2/3/2023, Cert due 3/30/2023 | GUPS Permits not required | PFPR not held

Signature:

Email: anthony.kerr@cityofsouthfultonga.gov

Phase	Approved	Proposed	Lump Yr	Program	Cost	Fund	Status	Date Auth
PE	2017	2017			\$300,000.00	Q23	AUTHORIZED	3/16/17
PE	2021	2021			\$272,252.50	Z230	AUTHORIZED	3/16/17
ROW	2022	2022			\$150,000.00	Z230	PRECST	
CST	2023	2023			\$2,312,412.50	Z230	PRECST	
UTL	2023	2023			\$150,000.00	Z230	PRECST	

COST EST AMTS				STIP AMOUNTS		
PE	\$572,252.50	3/19/21		Activity	Cost	Fund
ROW	\$33,985.00			PE	\$300,000.00	Q23
CST	\$1,923,252.00			PE	\$272,252.00	Z230
UTL	\$0.00			ROW	\$33,985.00	Z230
				CST	\$1,923,252.00	Z230
				UTL	\$150,000.00	Z230

Project Manager

Scope:

-Concept Valid, Bridge replacement project

Schedule:

-12 months behind BL to LET; 2 months behind BL to PFPR Inspection

Next Milestone:

-PM Request PFPR

Risk/Issues:

-None

Budget:

-In-House charge to 0015837-ARC

-Local consultant not scoped to supply ROW/UTL Cost Estimates

GSS 11/17/21

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval Of A Resolution Amending The City Human Resources Policies And Procedures Manua

DATE: February 22, 2022

SUBJECT: Request Council Approval Of A Resolution Amending The City Human Resources Policies And Procedures Manua

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Res2021 HR Policies and Procedures update HR edits 2.8.22	Cover Memo	2/18/2022
HR Policies and Procedures (rv6-2020)	Cover Memo	2/18/2022
COSF Memorandum FIS HR Policies	Cover Memo	2/18/2022

**A RESOLUTION AMENDING THE CITY HUMAN RESOURCES POLICIES AND
PROCEDURES MANUAL; AND FOR OTHER LAWFUL PURPOSES**

(Sponsored by _____)

WHEREAS, it is the policy of the City to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the City Council desires to amend the City's policies and procedures Manual to revise and add additional policies to provide guidelines for City employees; and

WHEREAS, this Resolution is in the best interests of the health, safety and general welfare of the City and its employees and residents.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES:

Section 1. The South Fulton Human Resources Policies and Procedures Manual is hereby amended to reflect changes and additions in the following sections:

- Policy # 112-18; V. Personnel Records Recordkeeping
- Policy # 119-18; Reporting and Investigating
- Policy # #200-18; Appeals
- Policy #205-18; Probation Period Requirements
- Policy #206-18; IV. Abandonment of Position
- Policy #303-18; Demotions
- Policy #320-18; II. Recruitment and Selection
- Policy # 322-18; Sick Leave and Prevention
- Policy # 323-18; Substance Abuse: Drug and Alcohol Testing
- Policy #325-18; III. Holiday Pay
- Policy #325-18; D. Emergency/Bereavement Leave
- Policy #325-18; Leave of Absence; adding General Leave
- New Policy Section #327-18 Tuition Reimbursement

Section 2. An updated South Fulton Human Resources Policies and Procedures Manual reflecting the above listed changes in Exhibit "A" to this resolution is hereby adopted by Council.

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. All resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

Section 5. The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]

CITY OF SOUTH FULTON



HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

Adopted by Resolution of Mayor & Council – July 24, 2018
Revised- June 23, 2020

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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Page 249 of 456

City of South Fulton | February 22, 2022



The City of South Fulton

Statement of Vision, Mission and Values

Statement of Our Vision

The City of South Fulton will use smart and balanced growth solutions, where the environment is protected, history is preserved and diversity of all ages enjoy a high quality of life. We are a City that adopts trend setting policies, creates diverse jobs and ensures a transparent government with love and respect for all people.

Statement of Our Mission

To provide exceptional customer service that sustains a safe, inclusive, innovative, economically vibrant city.

Guiding Principles/Core Values

- The City will encourage industrial districts that do not infringe on suburban, rural and agricultural areas.
- The City believes in good stewardship through open and fair government that fosters user friendly citizen engagement and continuous improvement of services.
- The City will develop diverse recreation programs that enhance the health and well-being for promotion of a better quality of life for our residents.
- The City supports our residents aging in place.
- The City engages in data driven decision-making that ensures short and long-term success.
- The City will pursue smart solutions to improve and implement creative, innovative, cost effective solutions and employ cutting-edge technology in everything we do.
- The City believes in youth engagement and development.

We will act in a way that promotes peace and unity.

HR POLICIES AND PROCEDURES

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These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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City of South Fulton | February 22, 2022



Dear Employee:

The City of South Fulton is a unique and ground-breaking municipality, requiring input and contribution from every employee. The Human Resources Policies and Procedures Manual contains key expectations of the City of South Fulton as your employer. You will find the information both necessary and informative. You are encouraged to use the manual as the vital resource it is intended to be.

If you have any questions about this manual, please contact the City of South Fulton's Human Resources Department.

The City of South Fulton is committed to outstanding service to our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a member of the team, your contributions will be key to the City's ability to provide world class community services. In return, you have the opportunity to grow in your respective career.

I wish you the greatest success as a City of South Fulton employee and again, welcome to the team!

Sincerely,

City Manager

HUMAN RESOURCES POLICIES AND PROCEDURES

GENERAL PROVISIONS

Number: 001-18

I. General Purpose

The general purpose of the Human Resources (HR) Policies and Procedures Manual is to set forth the policies applicable to City employees. These HR policies are effective upon approval by the Mayor and Council. It is the overall policy of the City to comply with all applicable Federal, State and local laws.

II. Exclusivity

These HR policies shall be the sole and exclusive policies governing personnel administration and personnel transactions with respect to employment within the City, unless otherwise mandated by law. Departmental standard operating procedures in conflict with these HR Policies are not allowed. To the extent such a conflict exists, these policies and the procedures interpreting the same shall apply.

III. Amendments

Future additions, rescissions and amendments to these HR Policies shall be effective only upon approval by the Mayor and Council.

IV. Administration

The Human Resources Director, the City Manager, and all Department Heads are charged with the faithful and impartial administration and execution of these HR policies and all future changes thereto which may be approved.

V. Authority

(a) General

Except for matters reserved by State law or the City Charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This HR Policies and Procedures Manual provides statements of policy and establishes procedures relating to personnel administration that are necessary to effectively and efficiently manage City operations. It is issued by the City Manager under the authority of the City Council.

(b) Scope of Authority

The City Manager possesses the authority, subject to the City Charter and City Code, to administer City operations. The City Manager's authority includes, but is not limited to:

1. Hire, assign, transfer, discipline, discharge, or release of employees pursuant to the City Charter, City Code and procedures described in this Manual;
2. Direct the work forces;
3. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;

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4. Introduce new or improved methods or facilities or change such methods or facilities;
5. Determine reasonable work schedules and establish the methods and processes by which such work is performed;
6. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
7. Determine position availability by:
 - Authorizing lateral assignments;
 - Freezing, hiring, and promoting;
 - Authorizing delay in position uses due to budget, facilities, or other business necessity; or
 - Authorizing temporary assignment to fill a vacancy.
 - Recommend to City Council the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

Delegated Authority;

The City Manager may delegate authority to Department Heads in the following areas:

- Discipline, discharge, or release of employees pursuant to the procedures described in this manual;
- Direct the work forces;
- Hire, assign, or transfer employees;
- Recommend the mission of specific departments;
- Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
- Introduce new or improved methods or facilities or change such methods or facilities;
- Recommend work schedules and establish the methods and processes by which such work is performed;
- Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
- Recommend positions, reclassification of positions, and/or the reassignment of employees to different positions with different classifications and/or pay; and
- Fiscal responsibility of the Department/Division.

(c) Administration of Policy

Proper policy administration includes setting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about City policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations.

The City Manager, in consultation with the Human Resources Director and other key stakeholders as applicable, shall make interpretive decisions for those situations that are not specifically covered by this manual and may, in the best interest of City operations, override any provision in this manual.

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(d) Establishment and Implementation of Procedure

The City Manager, in consultation with the Human Resources Director is authorized to establish and modify, as needed, a procedure for implementing all policies herein.

The intent of this HR Policies and Procedures Manual is to insure compliance with all applicable City, State and Federal laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede.

CITY OF SOUTH FULTON MANUAL



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GENERAL ADMINISTRATION

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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City of South Fulton | February 22, 2022

AMERICANS WITH DISABILITIES ACT – REASONABLE ACCOMODATIONS

Number: 100-18

I. Statement of Policy

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is the City of South Fulton’s policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of South Fulton will provide reasonable accommodations to both employees and members of the public, if so requested.

II. Background and Applicability

The Americans with Disabilities Act (ADA), as amended, is a federal mandate requiring all public and private sector entities to provide equal access to employment opportunities, facilities, buildings, programs, goods, services and activities for individuals who have mental or physical disabilities. Signed into law in 1990, this federal mandate extends anti-discrimination and civil rights protections to persons with disabilities as defined by the Act.

This policy is designed to assist all City employees with ADA compliance; to provide full and equal access to employment and promotional opportunities; to assist qualified employees with disabilities whose job performance may be impacted by their disability; and to provide reasonable accommodation(s) which may enable qualified employees to perform the essential functions of their positions, unless the accommodation would result in undue hardship to City.

In establishing procedures, the City intends to fully comply with all requirements of the Americans with Disabilities Act, as amended (“ADA”), implementing regulations, and all other applicable laws (“applicable law”). To the extent any part of the procedure conflicts with applicable law, the requirements of applicable law will control.

CITY OBSERVED HOLIDAYS

Number: 101-18

I. Statement of the Policy

This policy shall apply to all City employees, departments and agencies. In general, it is the policy of the City to, when possible, officially close all City offices on the following holidays observed by the City each year:

HOLIDAY	TYPICAL DATE OBSERVED
New Year’s Day	January 1
Dr. Martin Luther King, Jr.’s Birthday	Third Monday in January
President’s Day	Third Monday in February

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Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Election Day	First Tuesday in November
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

Dates of observation when holiday falls on weekend

Designated holidays which occur on a Saturday shall be observed on the preceding Friday; those which occur on a Sunday shall be observed on the succeeding Monday.

CONFIDENTIAL INFORMATION

Number: 102-18

I. Statement of the Policy

The City's confidential and proprietary information is vital to its current operations and future success. Each employee should use all reasonable care to protect or otherwise prevent the unauthorized disclosure of such information. In no event should employees disclose or reveal confidential information within or outside the City without proper authorization or purpose.

II. Definition of "Confidential Information"

"Confidential Information" refers to a piece of information, or a compilation of information, in any form (on paper, in an electronic file, or otherwise), related to the City's business that the City has not made public or authorized to be made public, and that is not generally known to the public through proper means.

By way of example, confidential or proprietary information includes, but is not limited to, non-public information regarding the City's business methods and plans, databases, systems, technology, intellectual property, know-how, marketing plans, business development, products, services, research, development, inventions, financial statements, financial projections, financing methods, pricing strategies, customer sources, employee health/medical records, system designs, customer lists and methods of competing. Additionally, employees who by virtue of their performance of their job responsibilities have

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the following information, should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: social security numbers, driver's license or resident identification numbers, financial accounts, credit or debit card numbers, and security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential information does not include any information which is required to be disclosed by State or Federal law or information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment. Nothing in this policy prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing confidential information which the employee acquired through lawful means in the course of his or her employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law or regulation to the Securities and Exchange Commission, the Department of Labor, or any other appropriate government authority.

To the extent an employee discloses any confidential information in connection with communicating with a governmental authority, the employee will honor the other confidentiality obligations in this policy and will only share such confidential information with his or her attorney, or with the government agency or entity. Nothing in this policy shall be construed to permit or condone unlawful conduct, including but not limited to, the theft or misappropriation of City property or information.

III. Confidentiality Agreement

Employees may be required to execute a confidentiality agreement depending on their work assignment. Regardless of the existence of a confidentiality agreement, every employee is subject to this policy. Any employee who violates this policy could be subject to discipline up to and including dismissal.

DIVERSITY AND INCLUSION

Number 103-18

I. Statement of Policy

The City respects, values and celebrates the unique attributes, characteristics and perspectives that make each person who they are. We believe that our strength lies in the diversity among the broad range of people and communities we represent. We consider diversity and inclusion to be a motivator of excellence and seek out diversity of participation, thought and action.

The City's approach to an equal employment opportunity workplace is based on three key principles: equality, diversity and inclusion. The City promotes equality by removing barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people. The City accepts and respects each person as an individual. Success and competitiveness are built on our ability to embrace diversity, and we believe that everyone should feel valued for their contributions.

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The City desires to create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with our vision and values.

The City is committed to being a model employer, business partner and responsive service provider that is well prepared to meet the needs of the City's diverse constituency. In the pursuit of organizational excellence, equal opportunity, and equal access, the City of South Fulton will recruit, hire, and promote a diverse workforce and group of contractors that delivers inclusive local government services. This policy affirms the City's commitment to create a culture of inclusion that encourages collaboration, innovation, flexibility, cultural competence, and civility. In addition to fostering integrated and inclusive service principals, this policy articulates the City's commitment to incorporate diversity and inclusion considerations in business administration, policy planning, resources allocation, service programming, and human resources management.

II. Background and Applicability

This policy shall apply to all City departments, divisions, offices, grantees, contractors, sub-contractors and other entities that provide services to the public on behalf of the City.

EMPLOYMENT AT-WILL

Number: 104-18

I. Statement of Policy

All employment relationships, except for classified employees, are at the will of the City of South Fulton and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the City of South Fulton may discharge an employee at any time for any reason, with or without cause or notice.

Classified employees are defined as sworn Police Officers with rank less than Major and Firefighters with rank less than Deputy Chief according to the City of South Fulton Classified Service, described later in this manual.

This manual is not intended to, and does not, create an employment contract between the City and its employees. Your employment is for no specified period of time, and this manual does not limit your right or the City's right to terminate your employment at any time for any reason or no reason, unless otherwise specified.

EMPLOYMENT ELIGIBILITY I9 VERIFICATION

Number: 105-18

I. Statement of the Policy

The City is committed to complying with all immigration-related employment laws. Therefore, the City will not knowingly or intentionally hire or continue to employ individuals

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who lack work authorization. Nor will it do business with independent service providers (*e.g.*, independent contractors, subcontractors, vendors) it determines to have knowingly hired or continued to employ persons without work authorization. Moreover, the City will only work with contractors and subcontractors who use E-Verify to check the status of workers employed on building and road projects and/or engaged in any other performance of labor for a public employer within this State under a contract or other bidding process, as required by State Law.

Consistent with this commitment, the City participates in E-Verify and requires the completion of the Federal Form I-9 to verify the identity and work authorization of all employees hired after November 6, 1986.

II. Applicability

This policy applies to all employees responsible for ensuring completion of the Form I-9 and/or using E-Verify to confirm employment eligibility. Employees who fail to comply with this policy are subject to disciplinary action, up to and including termination of employment.

III. Prohibition of Discrimination and Retaliation

The City will not tolerate any form of discrimination or harassment prohibited by Federal, State, or local law, including discriminatory treatment based on an individual's national origin or citizenship status. Nor will the City tolerate discriminatory application of the Form I-9 requirements or E-Verify process including, but not limited to, singling out individuals for extra scrutiny based on their national origin or citizenship status. The City will not permit retaliation against employees for complaining of perceived discrimination or harassment.

IV. Form I-9 Compliance

As required by Federal law, the City must ensure that every employee hired or rehired after November 6, 1986, completes the Form I-9. The Human Resources Department should use the most current version of the I-9 and familiarize themselves with the instructions before working with an employee to complete it.

The City must retain I-9 forms of all current employees. It must also retain I-9 forms of former employees for three years after the date of hire or one year from the date of termination, whichever is later. Completed I-9 forms should not be placed in personnel files; instead, the forms, and any accompanying documents, such as E-Verify confirmations, should be kept in separate I-9/E-Verify binders and maintained in confidence as with any other personnel records.

V. E-Verify Participation

E-Verify is an internet-based program that compares information from an employee's Form I-9 to data in Federal records to confirm employment eligibility. As required by law, the

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City is enrolled in and participates in E-Verify. Before a Human Resources Department staff member uses E-Verify, they must register as a user, familiarize themselves with the rules and responsibilities contained in the E-Verify User Manual, and participate in the required E-Verify tutorial. Registered users must never allow someone else to use their login credentials to access E-Verify.

All new hires must be verified through E-Verify. E-Verify should never be used to verify prospective employees or applicants. Current employees already confirmed through E-Verify must never be “re-verified” even if Section 3 of the I-9 must be completed because temporary work authorization expired, or is set to expire. If the City rehires an employee, the City must confirm his or her employment eligibility using E-Verify as for a new hire.

An E-Verify case for each newly hired employee must be initiated no later than the third business day after he or she begins working. Generally, case initiation should occur on the same day the Human Resources Department completes Section 2 of the I-9. If the Human Resources Department misses this deadline, the Human Resources Department must still proceed with the verification and note the reason for the delay using the dropdown function in E-Verify.

EQUAL EMPLOYMENT OPPORTUNITY AND PREJUDICIAL ACTS

Number: 106-18

I. Statement of Policy

The City is an equal opportunity employer and is committed to the principles of non-discrimination and equality of employment opportunities. In accordance with applicable law, the City prohibits and will not tolerate discrimination, harassment or retaliation against any applicant or employee based on any legally-recognized basis, including, but not limited to: race, color, religion, sex, pregnancy (including childbirth, lactation or related medical conditions), sexual orientation, gender identity or expression, age (40 and over), national origin or ancestry, physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service-member status, or any other consideration protected by Federal, State or local law. Such prohibition includes, but is not limited to, Georgia law’s prohibition against discrimination of employees and applicants for employment based on age (40-70) and disability, and against wage differentials based on sex.

The City’s commitment to equal opportunity employment applies to all persons involved in City operations and prohibits unlawful discrimination, harassment or retaliation by any employee, including supervisors and co-workers.

In addition, any acts or threats of violence, property damage, harassment, intimidation or other acts designed to infringe upon employees’ rights as described by Federal anti-discrimination laws or City HR policies will not be tolerated. This policy is designed to strictly prohibit all discrimination and harassment, including sexual harassment, by or against supervisory officials, employees, non- employees, clients and customers.

Please note that employees may be found to be in violation of this policy even if their

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conduct does not rise to the level of legally cognizable discrimination, harassment, or retaliation.

II. Applicability

This policy applies to all City employees, department heads and elected or appointed officials hired by the City and paid by the City Finance Department including part-time, non-regular appointed employees, interns and contractors doing business with City. This policy also protects citizens doing business with the City.

Any employee or other covered individual who believes he or she may have been subjected to discrimination, harassment or retaliation in violation of this policy, may file an Internal Discrimination Complaint with Human Resources.

III. Prohibition Against Retaliation

The City strictly prohibits retaliation against: 1) any employee or citizen who opposes any act or practice they perceive to violate this policy; and 2) any employee who has made a charge, testified, cooperated, assisted or participated (in any manner) in any EEO-related investigation, proceeding or hearing. Retaliation is a separate violation, distinct from the initial, underlying discrimination allegation. Individuals found to have engaged in retaliation will be subject to discipline without regard to whether there has been a finding of cause in the underlying, initial harassment complaint. Any employee who feels they have been subjected to retaliation should contact HR or the EEOC immediately.

INCLEMENT WEATHER

Number: 107-18

I. Statement of the Policy

The City recognizes that it may be difficult or impossible for an employee scheduled to work to report for duty due to inclement weather caused by snow, ice, or other extreme weather conditions. The purpose of this policy is to prescribe uniform procedures for the closure of City offices and facilities and for the treatment of employee absences from work during periods of inclement weather and other emergencies. To fulfill its mission of public service, the City will make every reasonable effort to open its facilities to the public as scheduled, consistent with safe access for staff and the public.

Whenever it is determined that the health and safety of citizens, customers, clients, or employees would be placed at risk or that conditions or events prevent performance of regular operations, services, or assigned responsibilities, closure of City offices or specific departments may be deemed necessary. The City Manager will be responsible for making and disseminating all official decisions concerning closure of City offices and facilities due to inclement weather or other emergency.

II. Background and Applicability

This policy applies to all City employees.

(1) Definitions

- A. Inclement Weather:** Weather that is physically severe with the potential to result in damage, loss of human life and/or the creation of hazardous road conditions including, but not limited to, snow, ice, flash flooding, extreme winds, large hail, tornados and hurricanes.
- B. Emergencies:** An unforeseen combination of circumstances or an urgent need for immediate action, including but not limited to, natural disasters, lack of heating, cooling, plumbing and power outages.
- C. Essential Employees:** Those employees who are designated as such by the City Manager for the purpose of providing essential services to City citizens or other employees during periods of inclement weather and/or emergency. The following departments (not limited to) have essential employees:
 - City Manager, Fire, Police, Communications, Information Technology, and Public Works.

INTERNSHIP PROGRAM

Number 108-18

I. Statement of the Policy

South Fulton Fellows (SFF) is the City's internship program. SFF supports internships with the City that provide growth and learning opportunities for full-time college and university students (undergraduate and graduate students).

SFF internships are educational opportunities for student interns and are unpaid. Departments are encouraged to develop internships in conjunction with accredited colleges and universities that are academically-oriented for the benefit of the student interns. Student interns are encouraged to apply for City internships, which provide them with experience that furthers and enhances their education and training. The City's internships assist student interns in achieving their educational goals by giving them the opportunity to augment their classroom instruction with exposure to a real-world setting. To the extent feasible, and in coordination with the student interns' schools, academic credit may be offered to student interns in connection with their internship.

The internship should correspond as closely as possible to the student intern's academic calendar, and should be for the appropriate amount of time necessary to provide the student intern with beneficial learning.

Each internship should be carefully crafted, developed, and monitored to ensure that a student intern's work does not result in the displacement of City employees, impair existing contracts for service, or fill a vacant position. Student interns are not, and cannot be used as, a supplemental workforce. Student interns are not included in or part of the City's career service system.

II. Applicability

The qualifications for participation in a SFF internship will be determined by the applicable department but, at a minimum, must include current, active enrollment as a full-time student at an accredited college or university as a required qualification.

III. Defining the Internship

As a South Fulton Fellow, interns will assist with and learn through a predetermined project closely related to their academic major that enhances their skills and abilities. Learning objectives will be developed as a department considers an internship opportunity, and those objectives will be placed on the internship announcement. Student interns will be given structured assignments and coursework integrated with their school curriculums throughout their internships, coupled with hands-on or clinical supervision, evaluation, and feedback.

The department should develop an internship for a student intern designed to provide that student intern with meaningful educational experiences applicable to his or her specific field of study. If possible, departments should coordinate with accredited colleges and universities in crafting their internship. Once the internship has been developed, an internship description should be created noting the following information:

- Name and Location of Department Requesting Intern
- Functions of Department
- Summary of the Intern Project
- Intern's Role
- Educational & Experience Requirements (Minimum Qualifications)
- Skills, Training or Qualifications
- Duration and Time Commitment
- Learning Objectives
- Additional Information

The internship must correspond as closely as possible to the student intern's academic calendar, and should be for the appropriate amount of time necessary to provide the student intern with beneficial learning. For example, an internship may be of a semester-long duration. The duration and/or hours of an internship cannot be grossly excessive, and the supervisor or administrator of an internship should be mindful of and accommodate the student intern's academic commitments.

IV. Obtaining Approval for the Internship

Once an internship description has been developed, the internship description must be approved by the Department Head and forwarded for final approval to the Human Resources Director or designee.

V. Selecting a Student Intern Candidate

Once approved, the engaging department and/or Human Resources Department will recruit candidates from accredited colleges and universities for the internship opportunity. Departments will utilize the City's normal selection methods to choose the student intern.

Before starting an internship, a potential student intern must sign a City acknowledgement form stating that the student intern (1) understands that the internship is unpaid, and that the student has no expectation of compensation for his or her participation

in the internship, and (2) understands that his or her participation in the internship does not entitle the student intern to a paid job with the City at the conclusion of the internship.

VI. Student Intern Monitoring

Each department must regularly review the duties performed by student interns to ensure that they are engaged in meeting their learning objectives. Each student intern must be assigned a supervisor/mentor who monitors the student intern daily and provides guidance and instruction to the student intern throughout his or her completion of the internship project. It is recommended that the student intern provide a presentation or complete a final project at the end of the internship (or at appropriate intervals) to demonstrate how the learning objectives were met, and for the supervisors/mentors to complete summative evaluations of the student intern.

VII. Early Termination of Internship

Student interns may terminate their participation in the internship at any time, without reason or prior notice. However, if a student intern ends their participation, they may not receive academic credit (if available) for the internship, and the City will inform the student intern's school of the student intern's decision to end his or her participation.

The City may also end a student intern's participation early if the student intern engages in disruptive, unprofessional, or illegal behavior while participating in the internship. The City will inform the student intern's school of the City's decision to end the student intern's participation, and the student intern may not receive academic credit (if any) for the internship.

LACTATION ACCOMMODATION

Number: 109-18

I. Statement of the Policy

To the extent required by law, the City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child during the first year following the child's birth. Employees will be relieved of all work-related duties during any unpaid break.

In accordance with applicable law, the City will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public.

The City will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules and other requested accommodations. The City will not demote, terminate or otherwise take adverse action against an employee because an employee requests or makes use of the accommodations and break time described in this policy. Employees should contact their supervisor during their pregnancy or before their return to work to identify the need for a lactation area.

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Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take another reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed for the employee, the lactation break time will be unpaid for nonexempt employees.

Where unpaid breaks or additional time are required, employees must notify their supervisor regarding scheduling and reporting the extra break time. Employees should provide reasonable notice to the City that they intend to take breaks for expressing breast milk upon returning to work. Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as “unpaid.”

The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee’s private office, if applicable.

MEAL AND REST BREAKS

Number 110-18

I. Statement of the Policy

It is the policy of the City to comply with all laws regarding meal and rest breaks. The City will provide break time as appropriate, subject to operational needs and supervisor discretion. This policy does not constitute a contract or agreement by the City to provide such break time.

II. Duration of Meal/Rest Break

Any rest breaks of short duration (lasting less than 20 minutes) will be counted as “hours worked” and paid accordingly. Meal breaks lasting 20 minutes or more are not considered “hours worked” for purposes of Federal law and will not be paid for non-exempt employees.

Employees must be completely relieved from work duties during any unpaid meal break. If an employee is not completely relieved of all duties and/or is asked to return to work during an unpaid meal break, the employee must report the interrupted meal break to the employee’s supervisor immediately.

III. Accurate Recording of Break Time Required

Non-exempt employees must accurately record the beginning and ending time of their meal breaks each day on their time records.

NO SOLICITATION

Number 111-18

I. Statement of the Policy

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

This policy is intended to ensure that only official City business is transacted in the City's work areas during employee work hours. In accordance with applicable law and except where prohibited by applicable law, the City has established rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property.

II. No Abrogation or Abridgement or Rights

Nothing in this policy abrogates or abridges the right of any employee to express his or her political opinions, vote, seek elected office, hold elected office or otherwise participate in politics outside of working time. However, the City has a compelling interest in protecting its integrity, protecting its employees from political interference, preserving public confidence in government, and maintaining the efficiency of its employees. Therefore, the City reserves the right to meet with any employee seeking or holding elected office so that the parties can mutually assess and address any potential or actual conflicts of interest.

III. Definitions

As used in this policy and accompanying procedure, "solicitation" shall include any undertaking by an individual, group or organization to promote the sale or use of a particular product or service, or a request for a contribution to or support for an individual or organization.

As used in this policy and accompanying procedure, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the City; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the City.

IV. Guidelines

In accordance with applicable law and except where prohibited by law, the City has established the following rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property:

- Employees may engage in solicitation activities, including political activities, only during non-working times. No employee may engage in solicitation during his or her working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed solicitation material, including political literature, only in non-work areas, including the employee break room and parking lot, during non-working times. No employee may distribute or circulate any written or printed solicitation material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed;
- Employees may not use or attempt to use their authority or influence to (i) interfere with or affect the result of a political election, nomination or referendum, or

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- (ii) coerce, induce, or encourage, as a condition of employment, the making of a contribution, donation or loan to any political campaign, candidate or organization;
- Employees and non-employees are prohibited from utilizing City property, supplies, or equipment for the production of solicitation materials;
 - Non-employees are not permitted to solicit or to distribute written solicitation material for any unauthorized purpose on City property; and
 - Off-duty employees are not permitted in work areas.

PERSONNEL RECORDS AND RECORDKEEPING – ACCESS AND CONFIDENTIALITY

Number: 112-18

I. Statement of Policy

This policy regulates the access to and confidentiality of City employees' personnel records and record management, retention and storage of personnel records.

II. Access

Access to personnel records should be restricted to employees and to those with designated authority to review the records, such as a supervisor, department head, or HR representative. An employee may request to review or copy information from his or her personnel files. Such inspections shall be made in the Human Resource's office by appointment at a mutually convenient time after the request of the employee. This same policy shall apply with respect to the inspection of relevant payroll records and insurance records of the individual employee. If employee desires, during such inspection, a fellow employee may accompany them. Copies of such documents will be provided to the employee upon request to the extent they are relevant to the processing of any pending grievance that employee has. Personnel files are the property of the City of South Fulton.

Employee Authorization

If an employee wishes to grant a designated representative access to the employee's human resources records, including personnel records, disciplinary records, benefit program records, and medical records, the designated representative must present a written authorization signed by the employee that clearly and specifically describes the records the representative may inspect or copy.

III. Confidentiality

Employees whose jobs provide access to personnel records shall follow the policies and procedures specific to their position for confidential information found in the personnel records and not release it to any person who does not have authorization to receive it. Employees shall not use confidential information of other employees for personal reasons.

IV. Categories of Personnel Records

The Human Resources Director and Department Head shall be responsible for the

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preparation, maintenance, security and disposition of any and all types of records and documents relating to personnel activities and functions regarding individual employees including, but not limited to, the following categories:

1. Personnel folders for each employee (i.e., records related to personally- identifiable information, such as name, date of birth, home address, emergency contact, social security number, records covering employment, position classification, wage or salary, employee relations, performance management, training, organizational development, attendance and paid time-off usage, etc.)
2. Copies of payrolls and related correspondence
3. Classification and compensation
4. Salary rates and classes
5. Personnel transactions
6. Attendance and leave
7. Recruitment, examination and certification*
8. Appeals/ Hearing minutes
9. Medical records' file (medical certifications, physician statements, and related information that describe the health and medical history or condition of an employee or an employee's family members)
10. Disciplinary records (e.g., written warnings, reprimands, notices of suspension, etc.) *
11. Performance Improvement Plans*
12. Communications regarding an employee's return to work from an extended leave*
13. Other (e.g., performance evaluations, etc.)

*Such records, if created by or submitted to the Department, should be forwarded to the Human Resources Director for inclusion in the Personnel File.

RELIGIOUS ACCOMODATIONS

Number: 113-18

I. Statement of the Policy

The City prohibits unlawful discrimination based on an employee's religious beliefs and will provide reasonable accommodation for employees' religious beliefs, observances, and practices in accordance with applicable law when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the City.

II. Applicability

This policy and procedure shall apply to all City employees, including employees occupying temporary, seasonal and part-time positions. This policy and procedure in no way gives any employee a property interest in employment with the City.

Any employee who perceives a conflict between his or her job requirements and a religious belief, observance, or practice should bring the conflict and his or her request for

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accommodation to the attention of their supervisor and HR to initiate the accommodation process. Requests for a reasonable accommodation should be made in writing and, in the case of requested schedule adjustments, as far in advance as possible.

I. Procedure

An employee may request a religious accommodation by:

1. A written request to the Department Head and HR;
2. Submitting the request for an accommodation to his/her supervisor or Department Head; and
3. If requested, providing documentation to support the request.

Whenever possible, requests for accommodation should be made at least 30 days in advance of the desired accommodation. The City is not required to provide an accommodation if it is not aware of the employee's need and desire for accommodation.

II. Discussion

Reasonable accommodations are determined, identified and implemented using a collaborative process. HR and the employee's supervisor will engage in an interactive process with any employee seeking a religious accommodation to discuss conflicts between religion and work and to act to provide a reasonable accommodation for the employee's needs.

Following receipt of the request for accommodation, the supervisor or Department Head will:

1. Discuss the request with the employee; and
2. Where it would assist accommodating the request, discuss the basis of the employee's request with others.

III. Documentation

In addition to submitting the written request, it is the responsibility of the employee to provide requested documentation to support the request. The supporting documentation requested may vary depending on the nature and extent of the accommodation requested.

IV. Analysis of Job/Position or Performance of Job Responsibilities

Departments will attempt to accommodate requests for accommodation, balancing the request to accommodate the employee's religious practices with the needs of the department and work unit. In determining whether to approve the request for accommodation, the employee's supervisor or Department Head, in consultation with the Human Resources Department, will:

1. Identify the essential functions or primary work-related duties of the individual's position;
2. Assess the impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department or unit; and

3. Assess the potential issues posed by the request, such as impact on other employees.

V. Analysis of the Request for Accommodation

Reasonable accommodations are determined on an individual basis, and may include, but are not limited to, providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes, voluntary substitutions of shifts or hours with a supervisor's or Department Head's approval, job reassignments, and lateral transfers.

The following factors are among those to be included in the individualized assessment of a request for religious accommodation:

1. Nature of the accommodation requested
2. Duration of the request
3. Alternative accommodations
4. Financial impact
5. Impact on the operation of the department, division or unit
6. Ability of the individual to perform essential functions of the position, if the accommodation is granted
7. Other related factors

If the employee is working during certain hours only as an accommodation of the requirements of his/her sincerely held religious beliefs or practices, that employee is not entitled to any premium wages or premium benefits that would apply ordinarily.

VI. Notification and Implementation of an Accommodation

The employee making the request for an accommodation will be notified by his/her supervisor or Department Head of the determination and, if granted, of the type of accommodation. The Department Head and/or supervisor will help make an agreed-upon workplace accommodation effective. Before any request for accommodation is denied, the supervisor or Department Head shall consult with HR.

VII. Resolving Disagreements

In the event an employee's request for religious accommodation is denied or the employee disagrees with the supervisor's/Department Head's proposed accommodation, he or she may contact HR for assistance.

VIII. Recordkeeping

Documentation related to an employee's religious accommodations request, including the request for accommodation and any other information, will be shared only for authorized department or unit business reasons and will be maintained in the employee's personnel file.

SOCIAL MEDIA

Number: 114-18

I. Statement of the Policy

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In general, the City views social networking websites, e.g., Facebook and Twitter, personal websites, and blogs positively and respects the right of employees to use them as a medium of self-expression. However, the use of these types of websites can impact both the City and employees alike. Therefore, the City has created this policy to establish its expectations for employee use of these types of websites.

II. Applicability

This policy is meant to apply to social networking sites; personal websites; blogs; photo, video and file sharing sites; podcasts; as well as bulletin boards and comments posted on other websites. For ease of reference, this policy refers to all types of websites generically as “social media websites”. The absence of an explicit reference to a specific website is not meant to limit the application of this policy. Where no policy or guideline exists, employees should use their responsible judgment and take the most prudent action possible. You should consult with your supervisor if you are uncertain about any of your activities on a social media website.

III. No Interference with Job Duties

As set forth in the City’s Use of Technology Resources Policy, the City’s internet and computer resources are provided to employees to allow them to complete their job duties, and should be used for business purposes only. As such, the City does not allow personal use of social media websites using City computers, equipment, or networks or at all during an employee’s work time.

IV. Use Outside of Work

Employees may use social media websites during their personal time outside of work and without the use of City computers, equipment, or networks. Employees must be aware, however, that information they display on the internet reflects not only on them, but could be associated with the City as well. Therefore, employees are expected to follow these guidelines when using any social media website:

A. Employees who wish to identify themselves as employees of the City on any social media website must first obtain written permission from the City Manager. After receiving permission, employees must place a disclaimer in their profile, post, or publication which clearly states that any and all opinions or views expressed are those of the employee and not the City.

B. Employees should use their best judgment and discretion when posting material and information online.

C. Confidential and proprietary information of the City is not to be discussed or referred to by employees on any social media website, even in private messages between site members who have authorized access to the information.

D. Employees are responsible for reading, knowing, and complying with the Terms of Service of the social media websites they use.

E. Employees are expected to always to comply with the laws regarding copyright, trademark, and plagiarism. Posting of someone else’s work without permission is not allowed.

STANDARDS OF CONDUCT

Number: 115 -18

I. Statement of the Policy

All employees of the City are expected to 1) perform their job duties to the best of their ability and in accordance with City expectations, 2) adhere to acceptable business and ethical principles in matters of personal conduct, and 3) to exhibit a high degree of personal integrity and professionalism at all times. Failure to comply with these standards may constitute grounds for disciplinary action or dismissal.

II. Standards of Conduct

All employees are expected to maintain acceptable standards of conduct and efficiency in the performance of their work.

All employees are expected to maintain minimum standards of conduct both on and off duty to:

1. Promote impartial, objective, and effective performance of their duties;
2. Avoid activities that are adverse to the City's interest or that adversely affect the City's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for City operations.

Other standards of conduct are established throughout this manual. Standard Operating Procedures (SOPs) may be established and published by departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by any standard of employee conduct may result in disciplinary action, up to and including termination.

The City expressly reserves the right to discipline employees for reasons not specifically listed in this policy. The City also reserves the right to discharge at-will employees with or without cause and with or without notice, for any reason provided only that it is not an unlawful reason.

WORK WEEK, WORK PERIOD, AND PAY PERIOD

Number: 116 -18

I. Statement of Policy

The purpose of this policy is to identify and differentiate the City's standard work week, work period for certain staff, and standard pay period.

II. Standard Work Week

The City's standard work week is seven (7) days beginning 12:00 a.m. Monday and ending 12:00 a.m. the following Monday. This standard work week applies to all employees except sworn law enforcement and fire protection employees (as discussed below in Section IV).

The applicable Department Head or other supervisor will assign employees to a 40-hour work schedule or shift for the work week. However, sworn law enforcement and fire

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protection employees may be assigned to work schedules that coincide with their applicable work periods. Employees working alternate schedules or shifts or who desire to explore the possibility of working an alternate schedule or shift should refer to the City's Flextime and Telecommuting Policies for guidance.

All employees are expected to be at their desk or designated work area at the start of their scheduled shift, prepared to begin work.

Supervisors will schedule meal and rest periods as appropriate. The City complies with Federal and State laws in this regard. Please see the City's Meal and Rest Breaks Policy for further details.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in total hours that may be scheduled each day and week.

III. Work Period for Sworn Law Enforcement Officers and Fire Protection Employees

The work period for officers of the Police Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be a 168-hour, 28-day work period (84 hours bi-weekly).

The work-period for fire protection employees of the Fire Department who are eligible under the Fair Labor Standards Act (29 U.S.C. § 207(k)) to accrue compensatory time shall be a 212-hour, 28-day work period (106 hours bi-weekly).

The 28-day work period begins 12:00 a.m. Monday and ends 12:00 a.m. the fourth Monday thereafter. The City standard work week (set forth in Section II above) shall apply to all other civilian personnel within the law enforcement and fire departments.

Eligible sworn law enforcement and fire rescue department employees who work more than the hours scheduled in their respective work-period, may earn overtime and/or accrue compensatory time as outlined in the City's Overtime and Compensatory Time Policy.

IV. Standard Pay Period

The City's standard pay period is the combination of two (2) consecutive standard work weeks. To the extent required by law, other pay periods may be utilized.

WORKERS COMPENSATION

Number: 117 -18

I. Statement of Policy

It shall be the policy of the City to provide medical care and indemnity compensation to employees injured or disabled on the job or who may suffer an occupational illness. The availability of injury related leave and compensability of any claim and/or occupational

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illness shall be in accordance with the Georgia Workers Compensation Act and City Mayor and Council approved policy.

II. Background and Applicability

This policy shall apply to all City employees, officers, directors, agencies and departments. This policy shall not apply to City retirees and/or independent contractors.

III. Background

The City's Workers' Compensation Plan is administered and managed by Risk Management (Finance Department).

IV. Definitions

- A. Affected Employee: City employee injured and/or disabled as a result of a work-related accident/illness. Injury or illness must be in accordance with the fundamental requirements for coverage under the City's Workers Compensation Plan.

V. General Requirements

The fundamental requirements for an employee injury/illness to be covered under the City's Workers Compensation Plan are: (1) the injury must be the result of an accident, (2) the accident must occur while the employee is in the course and scope of his or her employment, and (3) the accident must arise out of employment. Only injuries/illnesses that arise out of and in the course of employment and that result from work-related hazards or dangers in the workplace will be covered.

VI. Employee Reporting Requirements

Any City employee who may be injured or disabled on the job, or who is exposed to or suffers an occupational illness of any kind, is required to immediately report such incident or condition to his or her immediate supervisor, an agent, or an authorized representative of supervision.

The initial report may be made orally, however a completed Workers Compensation Employee Statement of Injury must be submitted to the Risk Manager within 48 hours after the accident, injury or illness. Failure to submit timely reports may endanger or delay payments to the affected employee.

VII. Notice to Controvert

A claim that fails to satisfy the requirements for coverage under the City's Workers Compensation Plan will be rejected. The employee will be provided with a copy of the "Notice to Controvert," which will also be filed with the State Board of Workers' Compensation. A Notice to Controvert shall provide the employee with notice that the City will not voluntarily commence benefits or authorize certain medical expenses.

VIII. Responsibilities

A. Supervisors

It shall be the responsibility of all supervisors to immediately investigate and report, in writing through their normal channels of authority, any accident, employee injury, or suspected occupational illness involving an employee under his or her direct supervision. The Workers Compensation Employee Statement of Injury form must be completed and signed by the affected employee and his or her immediate supervisor and Department Head. The injury reporting form is available in all departments and on the City Portal.

If at the time of the accident/incident an affected employee is unable to complete the injury reporting form, his or her immediate supervisor shall continue to be required to submit the injury report to Risk Management within the designated timeframe.

B. Finance Department

1. Risk Management is responsible for processing all paperwork, reporting required claims information to the State Workers' Compensation Board, approval of medical treatment, and coordination of employee return-to-work (Modified Duty) activities with the affected employee's supervisor and/or Department Head.
2. Payroll information must be submitted, in a timely manner, to Risk Management to ensure the affected employee receives an indemnity payment at the same time as he or she would normally receive their regular payroll check. It shall be the sole responsibility of the affected employee's user department to immediately notify Risk Management when an employee is off from work due to a work-related incident or injury.
3. The Risk Manager is authorized by this policy to resolve and facilitate the payment of employee indemnity compensation and medical bills. Any payment or award other than for indemnity compensation or medical bills, which is authorized in this policy, shall require the prior review and approval by the City Risk Manager. The Finance Department (Accounts Payable Division) is responsible for issuing checks based on the information transmitted, as described in this paragraph.
4. Risk Management is responsible for providing the City's CFO with an employee injury report which will identify their respective workers compensation claims and claim cost.

C. Employees

All employees are responsible for adhering to the above-stated workers compensation procedures and, subsequent to each doctor visit, updating his or her immediate supervisor as to his or her medical condition and workers compensation return-to-work status. Employees must provide their immediate supervisor and Risk Management with work status documentation after each doctor visit.

IX. Post-Accident/Injury Procedures

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

- A. Posted Panel of Physicians: Employees are eligible for claims consideration for treatment rendered by those medical providers listed on the City's Panel of Physicians. An exception would involve medical treatment provided by a physician as the direct result of a referral from a medical provider listed on the Panel of Physicians. The City's Panel of Physicians will be conspicuously posted in common areas within City buildings and facilities including, but not limited to, designated employee break rooms/kitchens and network copy machine areas. Employees can contact Risk Management for details and additional information regarding the Posted Panel of Physicians.
- B. Medical Transportation: In the event of an emergency, it shall be the acceptable practice to request trained medical assistance, via the calling of emergency 911, to attend to the affected employee. An emergency shall be defined as an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy—pressing necessity or exigency. The payment and/or reimbursement of medical transportation (ambulance) expense will only be acceptable for payment under the City's Workers Compensation Plan in cases where the medical responder and/or EMT deemed it necessary to transport the affected employee.
- C. Dire Emergencies: In an emergency, an employee injured on the job may receive medical treatment at any medical facility. However, if he or she is not hospitalized, upon release from the emergency treatment facility, the employee must be seen at one of the Panel of Physicians medical facilities prior to the start of his or her next regularly scheduled work shift.
- D. Billing: Necessary billing to the City for services rendered will be sent to Risk Management by the authorized treatment facility. The physician or nurse in charge at the medical facilities should be informed by the employee that he or she is a City employee, so that such employee will not be billed personally for services rendered. In a non-emergency situation, the affected employee should contact the Risk Management staff prior to his or her visit to a facility listed on the Panel of Physicians. This practice will allow a representative from Risk Management to contact the applicable medical facility to authorize treatment and insure timely services are provided.
- E. Reimbursement: Employees will be reimbursed for qualified out of pocket expenses where work related injuries are covered under the City's Workers Compensation Plan. Employees will be reimbursed for mileage to and from authorized doctors, hospitals, etc. Employees will also be reimbursed for required prescriptions, medical aids, etc., as prescribed by an authorized treating physician and paid for by the employee. Mileage forms are available from the Risk Management staff. The mileage rate for Workers Compensation reimbursement is set by the State Workers Compensation Board. Employees shall save all prescription receipts and turn into Risk Management for reimbursement.

X. Injury Leave and Lost Time

- A. Injury Leave: Injury leave may be granted to the affected employees only in cases where the employee's injury has been designated a catastrophic injury, as defined by State Worker's Compensation Law. Injuries must arise out of and in the course of employment as defined by law. Injury leave may be granted only upon written recommendation of the Department Head, reviewed by the Risk Manager, and approved by the City Manager. Injury leave shall not be extended beyond the seven-day waiting period. A physician's certificate must be furnished for all injury leave requests. If injury leave is approved, an employee may utilize their paid accrued leave or remain on leave without pay for the duration of the approved injury leave.
- B. Compensable Injuries: Compensable injuries shall be handled in the following manner: As per the State Workers Compensation Act, an employer is not required to pay indemnity benefits (wages) for the first seven days of lost time. The employee shall be required to select the method of leave to be used to provide his or her compensation for the first seven (7) days of lost time. The employee may elect to use either leave without pay (LWOP) or his or her available leave. After the first seven days, the employee shall receive Workers Compensation benefits only, which would total approximately two-thirds of his or her average weekly wage, not to exceed the maximum Workers Compensation indemnity benefits as governed by the State Board of Workers' Compensation.

Time expended for authorized doctors' appointments shall not exceed two hours, and shall be absorbed by the employee's user department. Authorized doctors' appointments in excess of two hours for special tests will also be absorbed by the user department.

All time away from work due to a job-related injury must be authorized, in writing, from one of the approved treating facilities or from their referrals. All excuses will have an arrival and departure time to allow the department to monitor the actual time an employee is at the authorized treating facility.

Departments will send time sheets/records with attached authorized medical excuses to the Workers Compensation Division, to the attention of the Risk Manager. Employees must note on the time sheet/record under Injury/WC, the hours used due to a medical appointment. Medical time (MT) should be noted beside the hours used as a result of a compensable job-related injury. Employees must have a doctor's excuse from an authorized treating facility to accompany each MT notation on the time sheet/record; otherwise, the leave will be charged to his or her personal leave time or leave without pay.

An employee who is treated by an authorized treating physician prior to/or after the employee's work day or on the employee's off day is not entitled to compensatory time.

- C. Second Job: An employee who is injured on the job while employed by the City,

and who is placed on a “no” work or “limited” work status by the authorized treating physician, shall not work a second job.

- D. Treatment of Choice: Nothing in this procedure shall abridge the right of an employee to seek medical attention at any facility of his or her choosing. The employee shall, however, be personally responsible for the payment of any charge resulting from the medical treatment provided. The City shall not be financially responsible for any unauthorized treatment.
- E. Treatment No-Show: Failure by an employee to report for a scheduled doctor’s appointment may result in the loss of his or her workers compensation benefits. It is the responsibility of the employee to pay for any charges for a no-show office visit. Employees’ refusal to accept and/or cooperate with doctors’ recommended rehabilitation can result in the suspension or reduction of compensation benefits.
- F. Post-Doctor Visit Updates: An employee shall update his or her supervisor and the Workers Compensation Division as to his or her work status following each doctor’s visit, and provide the work status documentation to their immediate supervisor and Risk Management.

XI. Return to Work (Modified/Transitional Duty)

- A. Limited and Regular Duty: Immediately upon an employee’s release by his or her authorized treating physician to return to work, whether to limited or regular duty, it shall be his or her “sole” responsibility to notify his or her immediate supervisor and Risk Management. Contact and emergency information for Risk Management is provided on the Notice to all City Employees (posted Panel of Physicians).
- B. Modified/Transitional Duty: In cases where an employee is released to return to work, with work limitations, his or her authorized treating physician will be provided and required to complete a Modified/Transitional Duty “Physician’s Approval Form.” This document will provide specific details regarding the employee’s work limitations, projected time frame for release to regular duty and any physician’s comments. Upon approval by the authorized treating physician, the employee will be notified by his or her supervisor that a temporary modified/transition duty position is available and the date and time on which he or she is expected to return to work.
- C. Modified/Transitional Duty is designed to provide “temporary work assignments” for employees released by their authorized treating physician, for return to work with specific work limitations. These modified/transitional duty positions are temporary and will not “transition” into full-time, regular appointed positions. Employees on modified/transitional duty shall be assigned and perform specific duties in compliance with all work restrictions established

by his or her authorized treating physician. An employee's refusal of "Suitable Employment" in a temporary modified/transitional duty position can result in the suspension or reduction of his or her compensation benefits.

WORKPLACE DISCRIMINATION AND HARASSMENT

Number: 118 -18

I. Statement of Policy

The City is committed to a work environment that promotes equal employment opportunities and is free from unlawful discriminatory and retaliatory practices, including unlawful harassment.

It is illegal and against the policy of the City for any person to harass, threaten or intimidate another employee based on their race, color, religion, gender, disability, national origin, age, genetic information, or other protected characteristic or conduct. The City will not tolerate conduct that constitutes unlawful harassment by its employees.

II. Summary

It is illegal and against the policy of the City for any person to harass, threaten or intimidate another employee based on their race, color, religion, gender, disability, national origin, age, genetic information, or other protected characteristic or conduct.

Any employee who believes that they have been the subject of such harassment must report the alleged act immediately to their immediate supervisor, or to any supervisor in their chain-of-command. In addition, any employee may report such acts directly to the City Manager or his or her designee, a Department Head, the Human Resources Director, or the City Attorney, without any adverse consequence for violating the chain-of-command.

Allegations of abuse or harassment committed by an employee against a citizen, program participant, vendor, visitor to the City or member of the public must immediately be reported to the Human Resources Director. A complaint will be immediately investigated by the Human Resources Department in conjunction, where appropriate, with legal counsel, or other parties deemed necessary and appropriate.

Any supervisor, agent or employee, who has harassed another based on their race, color, religion, gender, disability, national origin, age, genetic information, or other protected characteristic or conduct, will be subject to appropriate disciplinary action, up to and including termination.

III. Definitions

Conduct in violation of this policy includes, but is not limited to, the following definitions:

A. Unlawful Harassment

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

1. Unlawful harassment can include, but is not limited to, creating an intimidating, hostile or offensive working environment for another based on one's race, color, religion, gender, disability, national origin, age, genetic information, or other protected characteristic or conduct.
2. Unlawful harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made, directly or indirectly, a term or condition of a person's employment, or
 - b. Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.
 - c. Unlawful harassment can include, but is not limited to:
 - i. Verbal Harassment - Sexual innuendo, sexually suggestive comments, jokes and/or teasing of an unwelcome nature, discussing sexual exploits, or continued requests for social or sexual contact.
 - ii. Physical Harassment - Unwelcome contact, touching or impeding movement.
 - iii. Visual Harassment - Unwelcome, derogatory or sexually suggestive posters, videos, cartoons, drawings, pictures, photographs, documents, writings, electronic mail, staring or leering.
 - iv. Sexual Favors - Unwanted sexual advances conditioning an employment benefit on an exchange of sexual favors.
 - v. Unwelcome – used in the sense that the offended employee did not solicit or incite the conduct and regarded it as undesirable or offensive.
 - vi. Hostile/Offensive Working Environment – determined based on the particular circumstances, but shall include severe or pervasive written, verbal, or physical conduct directed toward an employee on the basis of one's race, color, religion, gender, disability, national origin, age, genetic information, or other protected characteristic or conduct.
 - vii. Reasonable Person/Victim Standard – based on the victim's perspective, as long as that perspective is reasonable. In determining whether sexually offensive or other unlawful harassing conduct has occurred, it is no defense that the alleged harasser did not intend to harass. It is the impact on the complainant, not the intent of the alleged harasser that must be evaluated. It is not a requirement that the complainant be the intended target of the offensive conduct.

Witnessing offensive behavior between other employees may be grounds for complaint.

IV. Supervisor/Management Responsibility

- A. Conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action, up to and including termination.

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- B. It is the responsibility of each supervisory and management level employee of the department to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual or unlawful harassing treatment in violation of this policy, and to report perceived violations of this policy to the Human Resources Director or other representatives of the City as identified in this policy.
- C. Any supervisor who retaliates against an individual or a witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

V. Employee Rights and Responsibilities

No employee who, in good faith, exercises their right to make a complaint of sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees who believe they have experienced such harassment, or have witnessed the harassment of another, have an obligation to report such unlawful conduct immediately.

VI. Employee Reporting Procedure

- A. Employees who believe they have been subjected to sexual or other unlawful harassment, or believe they have witnessed such conduct, must report this immediately to their immediate supervisor, other supervisor(s) in the chain-of-command and the Human Resources Director.
- B. Any reported allegations of harassment or retaliation will be investigated promptly and thoroughly, and the ongoing investigation shall be confidential, to the extent permitted by law.
- C. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in the reporting of same, may impede the City's ability to implement preventive or corrective measures when appropriate.
- D. Any employee who interferes with or intimidates an individual or witness for exercising their right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

The City encourages any employee to raise questions they may have regarding discrimination, retaliation or harassment with the Human Resources Department.

WORKPLACE VIOLENCE AND ANTI-BULLYING

Number: 119 -18

I. Statement of Policy

The City is committed to providing all employees with a healthy and safe work environment. The City seeks to provide a work environment that minimizes workplace violence and bullying. Violence in the workplace poses a threat to the safety of employees and

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the public and affects employee morale and productivity. All employees are responsible for minimizing workplace violence. The procedures that accompany this policy are designed to minimize the threat of violence in the workplace, without restricting appropriate public access to City employees and facilities, and provide guidelines for responding promptly and effectively to workplace violence.

The City will not tolerate acts and behaviors that are likely to result in workplace violence and bullying. The City will also ensure that procedures exist to allow complaints of workplace violence and bullying to be dealt with and resolved within the City, without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority.

II. Background and Applicability

This policy applies to all City officials, employees, volunteers and contractors. It applies during normal working hours, at work related or sponsored functions, and while traveling on work related business.

III. Overview and Definitions

The City will not tolerate acts and behaviors that are likely to result in workplace violence and bullying, which may include, but are not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or violence arising out of sexual or racial harassment, brandishing of an object which may be used as a weapon, insubordination, the sending of threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders, and stalking.

Other terms relevant to the City's Workplace Violence and Anti-Violence policy and implementing procedures include the following:

- A. Threats of Violence: Actions or words that could be construed by a reasonable person as expressing an intent to cause another individual physical harm. Such behavior may be verbal or non-verbal, and may include intimidation, harassment, and/or coercion.
- B. Acts of Violence: Any act of violence as established by the criminal laws of the State of Georgia, City, or any city therein, including but not limited to, assault, battery and stalking.
- C. Workplace Violence: Any intentional act that inflicts, attempts to inflict, or threatens to inflict bodily harm on another person or that inflicts, attempts to inflict, or threatens to inflict, damage to property, whether committed by a City employee or by anyone else and which occurs in a City workplace, at a City site location or while an employee is engaged in City business.
- D. Workplace: All City property and any other locations where City employees are performing their job duties.
- E. Bullying: Unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Examples:
 - Verbal Communication- abusive and offensive language; insults; teasing; spreading rumors and innuendos; unreasonable criticism; and trivializing of work and achievements
 - Manipulating the work environment- isolating people from normal work

- interaction; excessive demands; and setting impossible deadlines
- Psychological manipulation- unfairly blaming for mistakes; setting people up for failure; deliberate exclusion; practical jokes; belittling or disregarding opinions or suggestions; criticizing in public

F. **Mobbing:** A particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is a group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

IV. Reporting and Investigating

All employees shall promptly report workplace violence or bullying to their supervisors and/or Department Head in accordance with the City's procedures. In an emergency, employees may report workplace violence to supervisory or managerial level employees other than their own supervisors. Upon receipt of a report of workplace violence or bullying, the supervisor and/or Department Head shall immediately refer the matter to the Human Resources Director for investigation. In addition, where it is an employee's supervisor or Department Head who has engaged in threatening, violent, intimidating or other abusive behavior, the employee does not have to report the behavior to their immediate supervisor or go through their supervisory chain of command. Rather, in such a circumstance, an employee is specifically authorized to bypass his/her supervisor (and supervisory chain of command) and report such conduct or behavior directly to the Human Resources Director.

It is the Human Resources Director's responsibility to oversee the investigation of all reported incidents involving workplace abuse, intimidation, or violence and report findings to the Department Head (or his/her designee) who shall take immediate action as appropriate. Such investigation shall commence as soon as practicable and supervisors and Department Heads are required to take reasonable steps to protect the alleged victim(s), including, but not limited to, separation of the alleged perpetrator(s) and victim(s). It is expected that Department Heads and supervisors will not impede in the process of the investigation. Any attempts to hinder the investigation may result in disciplinary actions, up to and including, termination.

V. Victim(s) of Violence and Bullying

Any employee who feels he or she has been victimized by bullying and/or workplace violence is encouraged to report the matter to his or her supervisor or Department Head or to the Human Resources Department. Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary by the Department Head or his or her designee.

VI. Disciplinary Action

Disciplinary action for violations of this policy and procedure shall be taken by the violator's Department Head. Violations of this policy and procedure rising to the level of criminal acts shall be turned over to the proper law enforcement agency. In addition, violations of this policy may cause the violator to be immediately removed from the workplace.

While the City encourages all employees to raise any concern(s) under this policy and procedure, the City also recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Any individual who knowingly falsely accuses another of a violation will be disciplined in accordance with the City policies and procedures up to, and including, dismissal.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

CITY OF SOUTH FULTON MANUAL



200 EMPLOYEE RELATIONS

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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City of South Fulton | February 22, 2022

I. Statement of Policy

This policy governs personnel administration, transactions and procedures within the City concerning disciplinary actions taken for cause against classified employees.

II. Definition and Applicability

All persons employed by the City shall be on an at-will basis provided, however, City employees will be afforded the opportunity to participate in a grievance procedure as set forth in this manual (see Grievance Policy): provided further that Police Officers who have not yet attained the rank of Major or higher and Firefighters who have not yet attained the rank of Deputy Chief or higher will be subject to a merit system as set forth in this policy (City Code Sec. 1-6001).

All employees have the right to appeal disciplinary demotions and suspensions without pay to the Department Head and Human Resources Director by completing an appeal form within ten (10) business days from the date of being notified of the disciplinary action. Department Heads that report to the City Manager, may appeal to the Hearing Officer. The disciplinary action may be upheld, reduced, or reversed and will be final.

Only regular appointed employees in the classified service are entitled to appeal terminations to the Hearing Officer. "Classified" is an employee whose retention in the service has been confirmed by the Department Head and the Human Resources Director, upon completion of his/her probationary period of employment with the City. A regular appointed employee who may be serving in a higher class, either temporarily or because of a probationary appointment, shall not have the right to appeal any actions taken with respect to the temporary or probationary appointment until such time they have reached classified status in the position.

- I. Any City classified employee who has been dismissed, , for cause, , shall have the right to appeal such action to the Hearing Officer. The grounds for appeal to the Hearing Officer shall be limited to those cases wherein the employee alleges that the action taken was prohibited by applicable law. **Format.**

ACTION	USE	APPEAL ELIGIBLE
Verbal Counseling	A private discussion between a supervisor and employee.	No
Written Warning	A written warning/admonishment from the supervisor to the employee. The supervisor, Department Head, and Human Resources Department should be involved at this level.	No

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Performance Improvement Plan (PIP)	Review period for a specified amount of time, generally 90 days, to ensure that performance deficiencies are understood and that management is coaching the employee to improve. Requires coordination with Human Resources.	No
Demotion	Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees. Department Head and Human Resources should be involved at this level.	Yes
Administrative Suspension w/ pay	Relief from duty for a specified amount of time. Department Head and Human Resources should be involved at this level.	No
Suspension without pay	Relief from duty for a specified amount of time. Department Head and Human Resources should be involved at this level.	Yes
Termination	Involuntary separation of employee from City employment. Department Head, Human Resources, and City Attorney (as applicable) should be involved at this level.	Yes

An employee can initiate an appeal by filing an appeal form with the Human Resources Department, in writing, within ten (10) business days from the date of being notified of the disciplinary action. Appeal forms not filed with the Human Resources Department within ten (10) business days will be deemed untimely and the right to appeal will be denied. In terminations the Human Resources Director shall not forward untimely appeals to the Hearing Officer. The Department Head concerned shall notify individual employees, in writing, of their appeal rights under this regulation, as applicable.

An appeal hearing is a quasi-judicial proceeding and the rules governing such hearings are contained in the Human Resources policies, procedures and applicable laws. Additional rules, other than written housekeeping rules governing the appeal hearing, that coincide with the Human Resources policies, procedures and applicable laws and that were in effect at the time of the disciplinary action, limiting or expanding the requirements of appeals hearings, may only be instituted by amendments to the Human Resources policies and procedures.

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The Hearing Officer is authorized to issue ground rules to govern appeal hearings. Such rules shall serve as guidelines for all participants in appeal hearings. Such rules shall be in writing, indicating the date of adoption, and maintained by the Human Resources Director and made available for inspection upon request. Any ground rule established to govern appeal hearings may only be applied prospectively to appeal hearings if the applicable rule(s) was in effect at the time the disciplinary action on appeal was taken.

Appeal hearings are to be held at City Hall and are governed by the Georgia Open and Public Meetings law and are public meetings until the Hearing Officer goes into executive session for purposes of deciding the appeal. The hearing is intended to receive evidence either to refute or to substantiate the specific charges that have led to the appeal. It shall not be a forum for discussion of extraneous or irrelevant matters having no bearing on the charges at issue. All parties at action and witnesses shall be given ample time and opportunities to develop points, subject to the rules outlined herein.

During the hearings, the Hearing Officer and the Human Resources Director, unless s/he is the Department Head in the appeal, shall not be advocates for or against either party. The Human Resources Director and/or his/her staff are, however, permitted in any case to testify about matters within their knowledge concerning the rules, policies and procedures of the City. It shall be the duty of the Hearing Officer to be impartial in its conduct and rulings, both on and off the record.

All questions relating to admissibility of evidence or other legal matters shall be decided by the Hearing Officer. Appeal hearings shall follow accepted legal procedure insofar as is practicable, but strict adherence to the technical rules of evidence observed in courts of law is not required. The Hearing Officer may listen to admissible hearsay testimony and may accept depositions and affidavits, if such testimony is material and relevant to the issues.

II. Termination Hearings

Each appeal shall be heard by the Hearing Officer at the earliest practicable date following the receipt of an appeal request.

The Human Resources Director shall send out a written notice of the time, date and place of the hearing. This notice shall be sent to the Appellant/Employee and/or his/her authorized representative and the Department Head.

The general policy of the Hearing Officer concerning postponements shall be that cases set for hearings will be heard on the dates set, and that postponements will be granted only for good cause shown. Postponement of the opening date of a hearing shall be requested in writing by the moving party and served on the Human Resources Director and each of the other parties in interest. Such requests shall contain detailed reasons and explanation of the reason a postponement is needed and suggest alternative dates for resetting. Except in emergency situations, postponement requests will not be honored if they are not received at least three (3) working days before the date set for the hearing. The Human Resources Director, after consultation with the Hearing Officer and the other parties at interest, shall then take action appropriate to the circumstances involved, including notification to all concerned.

III. Prehearing Conference

The Human Resources Director, at his/her discretion, may arrange a pre-hearing conference between the Human Resources Director (or his/her designee), the Department Head (or his/her designee) and the Employee/Appellant prior to the hearing to consider and determine the following elements:

- Simplification of the issues
- Possible conciliation and settlement without a hearing
- Limitation on the number of witnesses
- Acceptance of evidence of deposition
- Stipulation as to any uncontested facts
- Other matters that may aid in the disposition of the appeal
- Exchange of names of known witnesses

An electronic recording of transactions may be made during prehearing conferences upon request of either party.

IV. Witnesses and Documents

The Hearing Officer shall administer the oath to witnesses. In the event that a pre-hearing conference has not limited the number of witnesses and the number of witnesses asked for seems to be excessive, at the discretion of the Hearing Officer, the party requesting the witnesses may be required to justify the request and the basis for calling excessive witnesses. The Hearing Officer may exclude numerous character witnesses or excessive witnesses testifying to duplicative or identical facts.

The Hearing Officer may cross-examine only those witnesses that have testified for either party in the appeal on matters relevant to the evidence and issues.

The Human Resources Director shall have the power to issue subpoenas for the attendance of witnesses and production of documents and records as necessary. The Hearing Officer shall not consider any testimony or document not admitted into evidence by the Department Head or employee. The parties are required to exchange documents at least ten (10) days prior to the hearing.

V. Counsel or Representation

Employees appearing before the Hearing Officer may, if desired, be represented by legal counsel at their expense, a representative of an employee organization, or they may act as their own counsel and conduct their own hearings. Department Head may be assisted by the City Attorney. The Hearing Officer may be assisted by an attorney not involved in the appeal.

VI. Electronic Recording

An electronic recording shall be made of all appeal hearings by the Human Resources Director. In addition to the electronic recording, a certified Court Reporter may, if desired, be employed by either party at interest, at their expense. Copies may be purchased, if desired.

VII. Order of Hearing

In all hearings, the burden of proof shall be on the Department Head and he/she shall have the right to open and to conclude the hearing. The Appellant/Employee or counsel may cross-examine Department Head witnesses and then present the Appellant's case at the

conclusion of the Department Head's presentation. The Department Head or counsel may cross examine the Appellant and his/her witnesses. After the presentation of all evidence from both parties, the Hearing Officer may hear closing arguments, which shall not be considered evidence, and shall then take the case under advisement and render a decision. The Hearing Officer is not permitted to close a hearing or terminate the hearing recordings until the record is complete with all evidence desired to be submitted by either party and closing arguments have concluded.

VIII. Decisions, Orders, Findings and Conclusions

(1) The Hearing Officer, after reaching a decision in the case, shall prepare an Order ("Order") within thirty (30) calendar days from the date of the final hearing. The Order shall indicate those in attendance at the appeal hearing and their decision to affirm or reverse the actions of the Department Head. The Order shall include findings of facts supporting its decision as to whether the Department Head had authority to exercise such action and did exercise such action for cause within the rules, regulations and policies of the City. If so found, the Hearing Officer shall affirm the action of the Department Head.

(2) In the event that the Hearing Officer finds that the action taken was prohibited by applicable law, the Hearing Officer shall reverse such action. The Hearing Officer shall not modify the terms and conditions of any action of the Department Head, but in its Order of affirmance or reversal may make recommendations of disposition which shall not be binding but have persuasive force only.

(3) The decision of the Hearing Officer in such cases shall be final and conclusive in the absence of an appellate review in the courts (by writ of certiorari). Copies of the Order shall be made a matter of official record and shall be furnished to all parties in interest. A copy of the Order shall be placed in the employee's official personnel file maintained by the Human Resources Department.

(4) In the event the Hearing Officer is unable to make a decision, the Order shall indicate such decision and the appealed action shall stand.

(5) The Hearing Officer may, within ten (10) days from the date of issuance of the Order, modify or revise its former Order to correct any clerical or typographical errors.

IX. Destruction of Obsolete Appeal Recordings

Obsolete electronic recordings of past appeal hearings which are one (1) year old or older may be destroyed unless a request for a copy and/or retention of such recordings has been received from any party in interest during this one-year period.

DISCIPLINE

Number: 201 -18

I. Statement of the Policy

City Code Sec. 1-6001 entitles any regular appointed employee in the classified service to certain rights when they are dismissed, suspended without pay, demoted or otherwise disciplined whereby such employee suffers a loss in salary, grade or classification. Disciplinary action may only be taken against a classified employee "for cause."

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

Further, to ensure the integrity of the City's operations and compliance with the City Ordinance, it is the policy of the City to apply progressive discipline measures in a fair and consistent manner with respect to those employed in the classified service. The City will ensure that progressive discipline is taken in accordance with City policies and standards of performance, including the City Standards of Conduct and City's Code of Ethics, and that progressive discipline is appropriately documented and retained in an employee's personnel file.

The City expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee at its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

II. Background Applicability

This policy applies only to classified employees under the City Code Sec. 1-6001. Information contained herein may be used as a reference when disciplining at-will employees. At-will employees may be terminated at any time and for any reason or no reason at all, with or without advance notice.

III Definition of Cause

As used in this policy and accompanying procedure, the term "cause" means any justifiable, non-arbitrary grounds, good and sufficient reason(s), occasion, motive, or inducement which is offered as the basis for a disciplinary or adverse action against an employee.

IV. Notice of Disciplinary Action for Cause

When a Department Head intends to dismiss, suspend without pay, demote or otherwise discipline a classified employee whereby such employee suffers a loss in salary, grade or classification, the Department Head must give notice to the employee in writing. This writing shall include:

1. Notice of the charges against the classified employee;
2. The effective time and date of such disciplinary action;
3. Explanation of the reasons for the disciplinary action; and
4. Shall give the employee an opportunity to respond orally or in writing to the charges. This writing shall be provided to the employee not less than 24 hours prior to the effective date and time of such disciplinary action.

At a minimum, the notice must provide sufficient information for the employee to understand the factual basis for the disciplinary action and any allegations of misconduct made against the employee; however, such notice shall not be deemed deficient solely because the notice fails to cite or inaccurately cites the discipline policy or procedure.

If an employee contends that the notice does not comply with these requirements, the employee may appeal the disciplinary action on this basis, as outlined in City's Appeals Policy. The Hearing Officer shall allow the Department Head ten (10) days to respond to any appeal

alleging a failure of the notice to conform to the requirements of these rules. The Hearing Officer shall issue a written order of whether the appeal will be dismissed for improper notice. Such order shall become a part of the record of the Hearing Officer's proceedings in the case and shall constitute a final order of the Hearing Officer on the issue of adequacy of the notice required by this section.

V. Types of Offenses, Progressive Discipline and Mandatory Disciplinary Guidelines

Formal progressive discipline may be in the form of an oral or written warning, suspension, or termination. Depending on the nature and severity of the conduct at issue, the City, in its sole judgment, shall apply progressive discipline in any of these forms. The manner in which progressive discipline is applied will depend on the seriousness of the offense. The City expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

To ensure consistent application of this policy, the Human Resources Department should be consulted on all progressive disciplines that result in a loss of salary, grade or classification. The Human Resources Director, or their designee, must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps have been followed and that there is adequate documentation to support termination.

VI. Responsibilities of Department Head and other Supervisors

Supervisors should maintain clear and accurate records of all staff interactions (memos to file, progress notes, etc.) with back-up documentation, as applicable. Informal progressive discipline normally starts with verbal counseling.

The fair administration of progressive discipline rests on the supervisor's careful collection of pertinent facts and consistent application of established policies, rules of conduct and performance standards. While it is not possible to anticipate a response to all types of misconduct or poor performance, the following principles should be considered:

- Initial discipline should be corrective rather than punitive in nature and applied in a consistent manner; and
- Supervisors should help employees understand the Standards of Conduct and other expected standards of performance and provide leadership to encourage them to meet these standards at all times.

Some forms of misconduct or unsatisfactory performance may warrant administrative suspension of the employee pending a review of the matter to determine the final form of progressive discipline, which may include termination.

In order to prepare to meet with the employee, supervisors should review City's Standards of Conduct, Code of Ethics, the employee's job description, and other policies and procedures as appropriate. Supervisors should compare the employee's conduct with established standards and should determine the degree of seriousness of the misconduct. The employee's prior record also should be considered.

All meetings should be conducted in private. At the end of the meeting, the employee should understand why the progressive discipline is needed, the department's expectations for improvement, and the consequences of failing to improve.

Department Head may delegate or permit supervisors and managers to issue warnings, however, suspensions, demotions and dismissals should be ultimately decided and issued by Department Head.

Progressive discipline may also include the use of mandated referrals by Department Head to the Employee Assistance Program (EAP) which provides confidential counseling. Mandated referrals to the EAP are intended to help resolve problems affecting documented job performance/discipline. Failure by the employee to accept the mandated referral and/or failure to cooperate and complete any counseling/treatment may be considered as insubordination. The first EAP session may take place during normal City work hours. Additional sessions must be scheduled during non-work hours.

VII. Forms of Progressive Discipline

A. Verbal Counseling

A verbal counseling is a private meeting between a supervisor/manager/Department Head and employee to advise an employee that his/her conduct/performance does not meet standards and that, unless corrected, further progressive discipline may be necessary. This conversation may be documented on a calendar or via some other method for future reference but may not be documented to an employee's personnel or department file.

B. Written Warning

A written warning is a formal report warranted by failure to meet the City's standards of performance or conduct. A written or final warning also may be used to advise an employee of a continued pattern of unacceptable conduct or performance, including failure to improve following a verbal counseling.

When issuing a written warning, the supervisor must complete a Progressive Discipline Form, with guidance and input from the Human Resources Department as appropriate, specifying the particulars of the pattern of behavior or rule infraction(s), and the consequences for the employee's failure to correct his/her behavior.

The supervisor must discuss the written warning with the employee so that the employee clearly understands the nature of the misconduct or unsatisfactory performance and the consequences of failing to improve.

The employee should sign the Progressive Discipline Form to acknowledge receipt of the written warning. The employee may comment in the space provided or provide a written addendum, if desired. If the employee refuses to sign, the supervisor should add language indicating that the "employee chooses not to sign."

A copy of the Progressive Discipline Form is given to the employee. A copy is maintained in the department's files and the original is sent to the Human Resources Department for inclusion in the employee's personnel file.

C. Performance Improvement Plan

If after a written warning is issued, an employee's performance does not improve or is not corrected, a Performance Improvement Plan should be created. A Performance Improvement Plan is a detailed outline to develop employees who are experiencing performance deficits in several areas of their job responsibilities and should last at least thirty (30) days. Performance Improvement Plans are required for deficiencies in the following Articles, but not limited to:

- Art. 1. Absenteeism and Tardiness
- Art. 9. Housekeeping Violations
- Art. 10. Inefficiency and Incompetence
- Art. 11. Insubordination, Paragraphs B and C
- Art. 12. Loafing

The Performance Improvement Plan should state the areas of concern, the desired behavior, and an action plan. The document should be signed by the Department Head, supervisor, and the employee. The supervisor should meet with the employee on a weekly basis to review the progress and provide additional guidance. There must be a formal follow-up no more than 90 days after the Performance Improvement Plan is initiated to provide the employee with closure on whether or not the improvement level was achieved to a satisfactory level. If a satisfactory level of performance is not achieved, the progressive discipline process will continue.

Although Department Heads and/or supervisors may choose to implement Performance Improvement Plans at other times, this process must be utilized with written warnings and annual performance ratings of less than "Satisfactory".

Supervisors should consult with their Department Head and the Human Resources Department if they plan on issuing a Performance Improvement Plan.

D. Administrative Suspension Pending Review

Suspension pending review provides time to evaluate the particulars of serious situations prior to determining the appropriate final form of discipline. These situations include, but are not limited to, fraud, theft, professional misconduct, breach of confidentiality, and substance abuse.

The Department Head or their designees must consult with the Human Resources Department regarding administrative suspensions pending review. Administrative suspensions pending review are paid suspensions and shall last only up to ten (10) working days.

During administrative suspension pending review, the Department Head, in consultation with the Human Resources Department and other key stakeholders, will gather relevant information, review pertinent documents and conduct investigatory interviews, as appropriate.

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E. Suspension without Pay

Suspension without pay is administered as a result of severe infractions of standards of performance or conduct, excessive and/or repeated violations of standards of performance or conduct after verbal counseling, written warnings and/or the failure to improve job performance after placement on a Performance Improvement Plan. A suspension without pay may also be administered as a result of the failure to maintain licenses and/or certifications required by an employee's position. Department Head, or their designees, must consult with the Human Resources Director prior to imposition of a suspension without pay on an employee.

F. Dismissal

Dismissal is termination from employment. It is invoked in situations of gross misconduct or after other progressive discipline measures have failed to achieve the results desired. Department Head or their designees must consult with the Human Resources Department in all cases of possible dismissal of a classified employee. Except in cases determined by the City Charter, the Human Resources Director or his or her designee must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps, when applicable, have been followed and that there is adequate documentation to support termination. The City Manager may suspend directors or department heads or recommend their termination as set forth under the City Charter and applicable City ordinances, so long as the City Attorney reviews the facts supporting suspension or termination and concurs such action is appropriate before such action is taken.

The City expressly reserves the right to depart from progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

VIII. Active Period for Discipline

Employee discipline remains active, at a minimum, for a rolling 12-month period following the date it was issued, depending on the type of offense and/or level of discipline previously imposed. Any disciplinary infraction shall be treated as cumulative with respect to progressive discipline. All documentation shall be submitted to the Human Resources Department for official record-keeping.

IX. Definitions

A. "Excessive Delay," for purposes of this policy, is defined as including a delay in performing or completing work that is unreasonable, unnecessary and/or unwarranted based on the facts and circumstances at issue.

B. "Sabotage," "Malicious Damage," "Malicious Injury" and "Vandalism," for purposes of this policy, are used interchangeably and are defined as including the willful destruction of City property.

C. "Loafing," for purposes of this policy, is defined as including willful idleness, wasting time or deliberate failure to work on the task(s) assigned.

X. Articles of Discipline

ART. 1. Absenteeism and Tardiness.

- A. Chronic absenteeism, defined as habitual, sustained, confirmed or continued unexcused absence.
- B. Recurring tardiness, defined as habitual, sustained, confirmed or continued unexcused lateness to work without adequate justification.
- C. Unexcused or unauthorized absence on any scheduled workday or during working hours.
- D. Failure to report to work for a period of four consecutive (4) workdays (or shift equivalent) without approval or proper notification.

ART. 2. Accidents, Injuries and Safety Violations.

- A. Failure to report an accident or injury on the job as required by City policy.
- B. Violation of administrative policies, procedures or safety rules where safety of persons or property is endangered.

ART. 3. Conduct and Behavior.

- A. Arrested and/or charged on any felony offense(s), as defined by law.
- B. Convicted in any court of record on any non-felony charge(s) as defined by law, involving a serious misdemeanor charge.
- C. Immoral or indecent conduct which tends to violate commonly accepted standards of decency or morality.

ART. 4. Dishonesty and Ethics.

- A. Engaging in private business activities of a prohibited or unethical nature for profit, either during normal working hours or during non-working hours.
- B. Conflict of interests involving unethical use of official authority, information, or property for personal gain.
- C. Embezzlement or misappropriation of funds.
- D. Acceptance of bribes, gifts or favors intended or designed to influence official actions or decisions.

ART. 5. Drinking and Intoxication.

- A. Reporting for duty or being on duty while using or under the influence of intoxicating liquors or drugs; provided, that for the purposes of this Article, any employee who is tested and has a positive test result for the presence of an illegal drug in the employee's urine or blood, and any employee who is tested and has a Blood Alcohol Concentration (BAC) test equal to 0.02 grams or greater, shall be considered under the influence of the tested substance. While an employee may not be required to submit to a test, signs of being under the influence which would subject one to discipline include, but are not limited to, slurred speech and motor skill impairment.
- B. Excessive public use of intoxicants while off duty resulting in conduct unbecoming a City employee.
- C. Selling intoxicating liquors or drugs on City premises if no arrest is involved.

ART. 6. Fighting.

- A. Fighting or instigating a fight or disturbance while on duty, and/or while on City property, except in self-defense.

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ART. 7. Fraud, Falsehood, Perjury and Malfeasance.

- A. Fraud, falsehood, perjury or malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, responsibilities, reports, investigations or proceedings, or intentional misuse of paid work time or assets. Willfully, knowingly and falsely swearing by a person to whom a lawful oath or affirmation is administered, in a manner material to an issue or point in question in some proceeding.

ART. 8. Gambling.

- A. Unlawful gambling or betting on City premises.

ART. 9. Housekeeping Violations.

- A. Failure or refusal to cooperate in the reasonable care and use of equipment, sanitary facilities and related “housekeeping” tasks on the job.

ART. 10. Inefficiency and Incompetence.

- A. Continued inefficiency or incompetence in the performance of assigned work, based upon written performance reviews and/or other form of written or verbal counseling covering a reasonably demonstrable period of time.

ART. 11. Insubordination.

- A. Intentional disobedience of a supervisor or the requirement of a policy, procedure or rule if such policy, procedure or rule does not already contain a specific disciplinary guideline adopted by the City, assaulting or resisting authority, disrespect or use of insulting or abusive language to a superior.
- B. Failure to carry out orders, failure or excessive delay in carrying out work assignments or specific instructions of superiors.
- C. Intentional misuse of, or failure to carry out policies and procedures governing the official use of City owned or leased equipment and/or systems.
- D. Intentional misuse of City provided internet access, consisting of the accessing, viewing, or downloading of any non-City business related information or material from any website that is pornographic, obscene, or primarily devoted to sex and sexual imagery.

ART. 12. Loafing.

- A. Willful idleness, wasting time or deliberate failure to work on the task(s) assigned.

ART. 13. Mistreatment of Detainees, Employees, Volunteers, Contractors or Citizens.

- A. Verbal abuse
- B. Sexual harassment, as defined in Policy and Procedure 119-18
- C. Physical abuse
- D. Prejudicial Acts and/or harassment as defined in the Equal Employment Opportunity and Prejudicial Acts Policy and Procedure #106-18.
- E. Threats and/or Acts of Workplace Violence or Bullying as defined in the City’s Workplace Violence and Anti-Bullying Policy and Procedure #120- 18

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ART. 14. Political Activity.

- A. Unlawful political activities in violation of City policies

ART. 15. Sabotage, Vandalism or Malicious Injury.

- A. Sabotage, malicious damage or vandalism to City property or the property of other employees.

ART. 16. Security.

- A. Divulging confidential, classified or highly sensitive information without proper authority or for an improper use.
- B. Failure to exercise due care and caution while guarding detainees.

ART. 17. Sleeping on Duty.

- A. Where safety of persons or property is not endangered.
- B. Where safety of persons or property is endangered.

ART. 18. Smoking in Unauthorized Places.

- A. Smoking in unauthorized areas not considered to be dangerous
- B. Smoking in dangerous areas where human life or property is imperiled

ART. 19. Theft.

- A. Actual or attempted theft of City property, tools or equipment or the property of other employees, whether acting alone or in collusion with others.

ART. 20. Vehicles.

- A. Minor violation of traffic laws while operating a City vehicle
- B. Serious violation of traffic laws while operating a City motor vehicle, defined as involving damages of \$200 or more
- C. Use of or knowingly authorizing the use of a City motor vehicle or aircraft for other than official purposes

ART. 21. Failure to secure and/or maintain necessary training, licensing or credentials required by the position.

Art. 22. Miscellaneous.

- A. Violations of City Policies and Procedures and any other violations or actions not specifically enumerated in this manual which impair or reflect adversely upon the integrity, efficiency, good order or operation of any segment of City government.

Depending upon the timeliness and severity of the infraction and the past record of the employee, greater or lesser penalties may be imposed. A combination of infractions may be considered jointly and normally will justify a more severe penalty than a single offense resulting in disciplinary action. Past record may be taken into consideration, but past offenses which did not result in disciplinary action at the time of discovery should not be applied in current disciplinary actions.

The violations outlined in Articles 1-22 above do not cover every possible type of offense or disciplinary action. Therefore, offenses not listed should be punished with comparable severity to other similar offenses listed.

All notices of disciplinary action taken should be given to the employee in person, if possible. Otherwise, mailing by Registered Mail, Return Receipt Requested, to last known address or service by a Law Officer is recommended.

EMPLOYEE GRIEVANCES

Number: 202 -18

I. Statement of Policy

It is the policy of the City of South Fulton to treat all employees fairly and equitably in matters affecting their employment and to provide employees with an efficient and effective process for resolving workplace issues and disputes. The City's grievance procedure is established to provide a formal, structured process through which employees may voice complaints concerning work-related issues and seek administrative redress for alleged violations, misinterpretations or inequitable applications of City policies, rules, and standards of conduct. An employee has a right to use the grievance procedure without fear of reprisal or retaliation, and the filing of a grievance by an employee will not reflect adversely on the employee's standing or performance.

The objective of the grievance procedure is to settle all grievances between management and employees as quickly as possible and at as low of an administrative level as possible, to improve employee-management relations, assure efficient work operations and maintain employee morale. The City expects employees and management to exercise reasonable efforts to resolve any questions, problems or misunderstandings prior to using the grievance procedure. Employees should pursue, if possible, an informal resolution of their complaints, utilizing all available avenues within their department before filing a formal, written grievance. Department Heads and supervisors are encouraged to work with employees to resolve grievances informally.

Time scales have been fixed to ensure that grievances are dealt with timely, however, these may be extended by the City if necessary. Efforts at informal resolution are unrelated to the formal grievance procedure and do not extend the time limit(s) included in the procedure.

The grievance procedure may be modified or eliminated by the City at any time, with or without prior notice. This procedure is not a guarantee of employment or of any other rights or benefits. This procedure does not create or grant covered employees with a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, express or implied.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

This policy is not intended to address (1) dismissal or disciplinary matters which are addressed in a separate policy or procedure; (2) disputes of a collective nature which are addressed in a separate procedure; or (3) complaints arising from sexual or other harassment actions covered under the EEOC policies.

II. Background and Applicability

All non-probationary City employees are eligible to file grievances pursuant to this procedure. For purposes of this policy, “employee” does not include elected officials, interns, independent contractors, or volunteers. Review of demotion, suspension without pay, and dismissal actions, as well as any other disciplinary action taken for cause whereby an employee suffers any loss in salary, grade or classification, taken against classified employees pursuant to the HR Policies of the City shall be exclusively within the jurisdiction of the Hearing Officer. This grievance procedure and the ability to file a grievance in no way gives any employee a property interest in employment with the City.

III. Definitions

- A. Grievance: A wrong or hardship suffered, real or perceived, which is the grounds of a complaint. A claim of an individual employee that s/he was adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a specific rule, regulation, policy, or procedure.
- B. Department Head: The person authorized by law and/or delegated authority to oversee the operations of a department.
- C. Complaint: An expression of grievance, dissatisfaction or concern.
- D. Retaliation: To act or omit to act towards a person in a way which is intended to cause disadvantage to that person because they have made a complaint or may make a complaint.
- E. Supervisory Personnel: For the purposes of this procedure, the term “supervisory personnel” shall mean any regular appointed City employee who regularly directs the work of two or more full-time employees. This test would be met, for example, if an employee directs one full-time and two part-time workers, one of whom works mornings and the other afternoons; or four part-time workers, one of whom works mornings and the other afternoons; or four part-time workers, two of whom work mornings and two of whom work afternoons; and has the authority to hire or discipline employees, or whose suggestions and recommendations as to hiring and disciplinary actions, and as to the advancement and promotion or any other change of status of other employees, will be given particular weight.
- F. Management Personnel: For purposes of this procedure, the term “management personnel” shall include any regular appointed City employee who regularly

engages in any combination of two or more of the following activities: interviewing, selecting, and training of employees; setting and adjusting employees' hours of work; directing the work of employees; maintaining production records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used by employees in performing their job duties; apportioning work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; and monitoring or implementing legal compliance measures.

IV. Rights and Responsibilities

All City employees have the right to:

- Make a complaint to their direct supervisor or HR representative
- Be treated with respect and impartiality and provided with support throughout the grievance process
- Have the principles of procedural fairness observed. This means:
 - Complaints must be fully described by the person filing the grievance
 - The person who is the subject of concern must have a full opportunity to put forward their case
 - All parties to the complaint must have the right to be heard
 - All relevant submissions and evidence must be considered
 - Irrelevant matters must not be considered
 - The decision-maker must be impartial, fair and just
- Investigations and proceedings are conducted honestly, fairly and without bias
- There are no undue delays in investigations and proceedings

It is the responsibility of all parties involved in a grievance to participate fully in the resolution process in good faith. Confidentiality must be respected and maintained at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of procedural fairness.

Right of Representation:

Either party to the grievance procedure may have a representative present at all stages of the grievance procedure. Such representative shall be a union representative or attorney. Notice of representation shall be provided to the other party at all stages of the grievance process. The grievant must bear any cost involved in employing representation or in preparing or presenting his/her grievance.

V. Management Rights

Nothing in the grievance procedure set forth herein is intended to limit or modify the existing management right of the City to do any of the following:

- A. Direct the work of its employees as well as establish and revise wages,

- salaries, position classifications, and employee benefits
- B. Hire, promote, transfer, assign, and retain employees within the City
- C. Maintain the efficiency of governmental operations
- D. Determine the methods, means, and personnel by which operations are to be carried out
- E. Discharge, demote, layoff, or suspend an employee for unsatisfactory performance or because of reorganization, lack of work, reduction in force, or position elimination.

VI. Grievable Matters

- A. An employee may file an individual grievance regarding any of the following matters:
 - 1. Concerns regarding the application or violation of City or department rules, regulations, policies or procedures
 - 2. Unsafe, unhealthy or unsanitary working conditions
 - 3. Denials of requests for leave
 - 4. Classification issues related to whether the grievant is working outside of his or her assigned classification
 - 5. Retaliatory actions that result from utilization of the grievance procedure or participation in the grievance of another City employee
- B. The City retains the exclusive right to manage its affairs and operations. Accordingly, matters that are not subject to this grievance procedure include, but are not limited to:
 - 1. Classification-wide title changes or salary grade revisions
 - 2. Revision of classification specifications or employee benefit plans or systems
 - 3. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the employee's job duties
 - 4. Performance evaluations or reviews
 - 5. The contents of established personnel policies, procedures, rules, and regulations
 - 6. Disciplinary actions
 - 7. Promotion decisions
 - 8. Layoff because of departmental reorganization, lack of work, reduction in force, or abolishment of position
 - 9. Matters involving employee compensation, wages, salary or other payroll-related issues
 - 10. The hiring, promotion, transfer, assignment, and retention of employees within the City
 - 11. Administrative suspension with pay, during any internal employment-related investigation
 - 12. City actions or inactions as it relates to another employee
 - 13. Violations of Federal, State, or local law
 - 14. Reassignments or job transfers

VII. Grievance Resolution Procedures

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

- A. Grievance forms are available from HR. The Human Resources Department will track all grievances through the grievance process. The grievance form will establish and constitute the official record of grievance by an employee. The form will be appended at each subsequent step of the grievance process.
- B. Each employee who feels aggrieved has a right to present a grievance to appropriate management personnel. All employees will be afforded fair, equitable, and expeditious review of their grievance without fear of any form of punishment, retaliation, or reprisal for such action. Retaliation against an employee who has filed a grievance will not be tolerated. However, change in work assignments or job duties for business reasons does not constitute retaliation.
- C. Should an employee allege that a supervisor has retaliated against him or her for utilizing this grievance procedure or participating in the grievance of another City employee, that employee may provide a written statement describing the perceived retaliation. Should an employee allege that he or she has been or is being retaliated against by the Department Head, that employee may bypass the department staff and submit the grievance and a written statement describing the perceived retaliation directly to HR.
- D. While a grievance is in progress, the grievant is expected to continue to work without interruption, in the performance of all duties.
- E. A separate form shall be required for each individual grievance unless a group grievance is designated at Step 1. Parties of a group grievance forfeit their individual rights to file a grievance on the same issue.
- F. A Request for Determination of Grievability form may be initiated by either the grievant or the Department Head/Supervisor when the grievability of an issue or matter is at question. A determination of grievability can be requested by either party at any time prior to the hearing before the City Manager or his or her designee.
- G. There are five (5) categories of grievances listed on the employee grievance form instructions:
 - 1 Concerns regarding the application or violation of City or department rules, regulations, policies or procedures
 - 2 Unsafe, unhealthy or unsanitary working conditions
 - 3 Denials of Leave of Absence
 - 4 Classification issues related to whether the grievant is working outside of his or her assigned classification
 - 5 Retaliation actions that result from utilization of the grievance procedure or participation in the grievance of another City employee.

The following steps shall govern the processing of employee grievances:

Step 1

An employee who has a grievance shall initially discuss the issue or dispute directly with his immediate supervisor. If the matter itself concerns the employee's immediate supervisor, then the grievance should be taken to the next level supervisor or Department Head.

If the supervisor is unable to resolve the matter at that time, a formal written grievance form should be submitted. Grievances shall be promptly filed. To be considered, a grievance must be filed in writing within five (5) working days of the occurrence/event giving rise to the grievance.

A formal written grievance must contain the following information:

1. The date and a brief explanation of the incident or action giving rise to the grievance
2. The reason the action is deemed to be inappropriate, impermissible, unjust or unfair
3. The remedy or solution sought
4. The signature of the aggrieved employee

A. Extension of Time in the Grievance Procedure: Time limit requirements for employees and supervisors who request action on a grievance or departmental response to grievances as specified in this procedure may be extended by agreement in writing signed by the employee and Department Head, and/or the designee any time prior to the deadline. Extension of time forms shall be available from HR. Extensions shall not exceed more than ten (10) days at any given step of this procedure. The original of the extension of time agreement shall be attached to the grievance form, one (1) copy shall be kept by the Department Head and/or designee, one (1) copy shall be given to the employee and one (1) copy forwarded to HR.

VIII. Grievance Review

Step Two – Department Head

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the Human Resources Director and the Department Head within five (5) working days of the incident or when the employee became knowledgeable of the incident. The Department Head will attempt to resolve the matter and submit a written response to the employee within thirty (30) working days after receipt (10 days at each level- supervisor, mid-manger, Department Head). Note: In public safety departments, it is expected that grievances follow the chain of command.

Step Three – City Manager

If the Department Head is unable to resolve the grievance, or the response is unacceptable to the employee, the employee must, within five (5) working days of receiving the response, present the written grievance to the Human Resources Department for review by the City Manager. Within ten (10) days of receipt of the grievance, the City Manager or his/her designee will investigate the grievance and respond in writing to the employee. The City Manager or his/her designee's decision is final.

Grievance Recommendation Orders:

The City Manager is the final authority for authorizing a Grievance Recommendation Order. Once approved, Grievance Recommendation Orders shall be signed by the City Manager and shall become a matter of official record and subject to the Georgia Open Records Act. Copies shall be furnished to all parties of interest and a copy shall be placed in the grievant's official personnel file.

1. Every Grievance Recommendation Order shall:
 - (a) Contain a summary of the issues raised by the grievant
 - (b) Set forth in writing the decision of the City Manager, the reason(s) therefore, and attach any/all supporting documents
 - (c) Describe in detail the resolution of the City Manager including specific actions and deadlines needed to satisfy recommendation contained in the Grievance Recommendation Order. Grievance Recommendation Orders shall not include any medical or health related documents as attachments except for those orders to be placed in Human Resources Department files.
 - (d) All Grievance Recommendation Orders shall be delivered to the Department Head and the grievant no more than five (5) working days after signature of the City Manager or his/her designee.
2. The department shall comply with the recommendations contained in a Grievance Recommendation Order approved by the City Manager within five (5) working days of receipt. The Human Resources Department shall verify compliance with all Grievance Recommendation Orders.
3. Evidence of default on an approved Grievance Recommendation Order shall be referred to the City Manager or his/her designee for immediate review, disposition and disciplinary action.
4. A Grievance Recommendation Order, once approved or disapproved by the City Manager, shall be final and no further appeals may be permitted.

IX. Conduct of Grievance Step Meetings

Personal face-to-face meetings are required at all steps. The employee and City management may have a representative present at all steps. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel. The parties to the grievance may, by mutual agreement, waive any or all intermediate steps or meetings, with the exception of the initial grievance and reducing the grievance to writing.

At all steps, appropriate witnesses may be asked to provide information. Witnesses shall be present only while providing testimony. Any time spent providing information during the witness's regularly scheduled hours shall be reported and recorded as "Official Leave."

X. Resolution of Grievance by Mutual Consent of the Parties

Any grievance shall be considered resolved at the completion of any step if all parties are satisfied. It is expected that most grievances will be resolved at the first step. However, nothing in this procedure should be construed as limiting the employee's right to exhaust the remedies provided by this procedure.

EMPLOYEE RECOGNITION

Number: 203 -18

I. Statement of the Policy

The City seeks to recognize its employees for their continuous years of service, exemplary contributions to the City and extra efforts that exceed normal job requirements. The City Manager and/or his designated staff shall develop, administer and modify a total rewards compensation system that encourages the City's employees to develop themselves professionally and maximize their potential. The City Manager is authorized to use both monetary and non-monetary means to provide incentives based on individual, group and/or departmental contributions and performance. The City Manager shall include adequate funds, when available, and a methodology for the total rewards compensation program in each annual budget presented for the Mayor and Council's approval. The Mayor and Council shall be provided with a year-end report on the success of the total rewards compensation system each year that such program is in force.

II. Background and Applicability

All current employees are eligible for Employee Recognition awards.

III. Monetary and Non-Monetary Awards

A non-monetary award may be granted to recognize employees for continuous years of service, exemplary contributions to the City and extra efforts that exceed normal job requirements. Non-monetary awards may be awarded by supervisors, department head or the City Manager. Monetary awards must first be approved by the City Council, if the award exceeds 5% of annual salary. Individual and group contributions may be recognized.

IV. Wages and Other Recognition

Any award to an employee will not be used in place of paying wages due to an employee, such as overtime or compensatory time, and is not meant to replace other traditional methods of recognition, but rather to increase options in rewarding and reinforcing employee excellence.

PERFORMANCE MANAGEMENT AND EVALUATION

Number: 204 -18

I. Statement of the Policy

The job performance of all employees will be reviewed periodically to determine if the performance of the employee meets expectations, if salaries should be adjusted, if job

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descriptions should be revised, or if jobs need to be reclassified.

A periodic formal performance evaluation is intended to ensure that all employees:

1. Are aware of what duties and responsibilities are expected
2. Understand the level of performance expected
3. Receive timely feedback about their performance
4. Have opportunities for education, training, and development
5. Are evaluated in a fair and consistent manner
6. Have performance goals established.

II. General Provisions

(a) Timing

The performance of employees will be formally reviewed and documented:

1. At the conclusion of any probationary period
2. At least annually for all full-time and part-time employees on the anniversary of hire date or promotion

(b) Performance Discussion

Informal reviews by the supervisor throughout the year are encouraged. The purpose of reviews is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

III. Evaluation Process

(a) The Evaluator

No employee should have any doubt as to whom he/she is accountable for his/her work performance at any given time. If the employee has worked in a different position/department or for a different supervisor during the formal evaluation year, the evaluator will consult with the previous supervisor(s) to gain input/information for the evaluation. All aspects of an employee's work performance for the entire year should be included in the formal evaluation.

Department Heads reporting directly to the City Manager will be evaluated by the City Manager. The Mayor and City Council members will collectively evaluate the City Manager. The compilation of the evaluation will be documented by the Human Resources Director.

(b) Performance Evaluation Tool

The supervisor will document the employee's evaluation on the designated Performance Evaluation form or system. Whenever possible, the supervisor should include specific examples to support performance ratings. The performance evaluation should contain an overall rating given to an employee's performance.

An employee may be placed on a Performance Improvement Plan (PIP) for a specified period of time, generally 90 days, for an overall rating falling below "satisfactory" or for any individual item ratings falling below "satisfactory." The purpose of the PIP is to ensure that performance deficiencies are understood, and that management is coaching the employee to improve. If the employee fails to complete the PIP satisfactorily, the employee may be terminated.

All performance evaluation forms and any related documentation shall be included in the official personnel file in the Human Resources Department.

(c) Evaluation Discussion

If possible, the supervisor should give advance notice to the employee prior to his/her performance evaluation discussion. The evaluation discussion should take place in a quiet, uninterrupted environment.

Together, the supervisor and employee will discuss the employee's performance during the review period and will plan for the next review period. The contents of the review should:

- Identify the principal duties of the job and measured results of those duties during the review period
- Review the expectations of the level of performance and the measured results of meeting those expectations during the review period
- Identify and address areas of employee developmental needs
- Develop an action plan for training to improve skills or to learn new skills
- Set goals and objectives for the upcoming year
- Offer advice on career advancement, specialization, and training

The evaluation discussion with the employee may result in agreed-upon plans (i.e. training needs, goals, etc.) that should be recorded on the performance evaluation.

The employee should be given the opportunity to make oral or written comments on his/her performance evaluation.

The employee should be asked to sign his/her performance evaluation. The employee's signature does not indicate agreement with the evaluation but represents an acknowledgement of receipt of the evaluation. Should an employee refuse to sign the performance evaluation, the supervisor should write "refused to sign" on the evaluation with the appropriate date.

The employee should be given a copy of his/her performance evaluation.

(d) Appeal of Performance Review

If an employee disagrees with the supervisor's assessment of his/her performance, the employee may write a letter of explanation stating his/her concerns with the evaluation. Any submission from an employee on his/her performance evaluation will be included along with the performance evaluation in his/her personnel file after the review by the Department Head and the Human Resources Director.

PROBATION PERIOD REQUIREMENTS

Number: 205 -18

I. Statement of the Policy

All new employees hired shall serve a probation period defined by the department. This introduction period is intended, primarily, to allow the City and employee to determine whether the employee can adequately perform in the assigned job position and whether the position is a good fit for the employee.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

This policy also applies when there is a promotion to a higher-level position or transferred to a different position. At the end of the probation period, an employee's performance will be reviewed, and a decision made regarding his or her continued employment or whether an extended probation period is needed. If additional time is needed to evaluate an employee in a position, a Department Head may request an extension of the employee's probation period. Thereafter, employees will receive regular performance feedback as scheduled by the Department Head and Human Resources Director.

II. Probationary Period for Unclassified Employees

Length of Probationary Period — The standard probationary period shall be six (6) months. After completion of the standard probationary period, an employee who is promoted, demoted, or transferred will undergo a six (6) month probationary period upon the change; however, a transfer from a non-sworn to a sworn position is subject to a twelve (12) month probationary period. A probationary period may be waived with the approval of the City Manager.

Evaluation during Probationary Period — The probationary employee will be evaluated at the end of the probationary period. Upon completion of the evaluation, the employee will be notified of the change in status to regular employee, extended probation, or dismissed. It is expected that informal evaluations will be conducted during the course of the probationary period to assess performance and to advise employees of expectations regarding performance.

Extension of Probationary Period — The probationary period may be extended at the Department Head's and Human Resources Director discretion. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extensions may be done upon the recommendation of the supervisor and require approval by the Department Head and Human Resources Director.

Termination of Probationary Employee - A probationary (new hire) employee may be terminated at any time. Newly promoted employees that do not complete their probation in the new position, may demoted back to original position (if available), or given a chance to apply to open positions (if applicable). The relationship with the City of South Fulton is that of an employee-at-will. The job status does not guarantee employment for any specific length of time.

III. Probationary Period for Classified Employees

Upon successful completion of the probationary period, Police Officers who have not yet attained the rank of Major or higher and Firefighters who have not yet attained the rank of Deputy Chief or higher will be a classified employee.

Any individual appointed to a position in the classified service as defined by Ord. 2017-015 Sec. 1-6001, shall complete a probationary period of employment during which he or she must demonstrate to the satisfaction of the Department Head the knowledge, ability, aptitude, and other necessary qualities to perform satisfactorily the duties of the position in which employed. The Human Resources Director, in collaboration with the Department Head may establish the length of the probationary period for any position for not less than three months

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(3), but no more than eighteen (18) months. The probationary period will be the first three (3) months in a position unless otherwise designated by the agency.

Once an individual successfully completes the probationary period of employment, he or she shall gain regular status in that position. Regular appointed, classified status permits the employee additional notice and appeal rights that are not required during the probationary period of employment. During a probationary period of employment, an individual can be discharged without appeal rights if such action is determined appropriate by the Department Head.

Following promotion into a classified position, an employee shall complete a probationary period of employment in the position. The probationary period shall be an essential part of the promotion process during which the employee must demonstrate the capability to perform the duties of his or her new position satisfactorily.

The probationary period generally shall be extended day for day by any time spent on paid leave pursuant to the Time Away for Work Policy and Procedure or in a non-pay status. Time spent in a non-pay status for ordered uniformed service (as defined in the Uniformed Services Employment and Reemployment Rights Act) shall not extend the probationary period.

It shall be the responsibility of the Department Head to determine whether an eligible probationary employee should be granted classified status. Classified status is effective on the calendar date following satisfactory completion of the probationary period of employment. An employee who is not transferred, demoted or separated prior to attaining eligibility for classified status shall acquire classified status. Any employee who has not satisfied the submission of any required license or certificate shall not be released from probation and should not be granted classified status.

If it is determined, prior to the completion of the probationary period, that the employee is not to be granted classified status, the Department Head may (1) demote the employee to a

position equivalent to the last regular appointed status position held or (2) separate the employee from employment as provided in the Separations Policy and Procedure.

An employee shall be notified in writing of failure to attain classified status. A Department Head's decision not to grant an employee classified status may not be appealed.

SEPARATIONS

Number: 206 -18

I. Statement of Policy

This policy governs personnel administration, transactions and procedures within the City concerning employment separations, unless otherwise mandated by law.

II. Dismissal

Classified Employees: A Department Head may dismiss any classified employee for cause, subject to the provisions of the City's Appeals Policy.

- Notice of dismissal shall be provided to the employee in writing and shall include notice of the charges against the classified employee, the effective time and date of dismissal and an explanation of the reasons for dismissal. The notice, which shall offer the employee an opportunity to respond orally or in writing to the charges, shall be provided to the employee no less than 24 hours prior to the effective date and time of the dismissal. At a minimum, the notice must provide sufficient information for the employee to understand the factual basis for the dismissal and any allegations of misconduct made against the employee; however, notice of dismissal shall not be deemed deficient solely because the notice fails to cite or inaccurately cites the Discipline policy or procedure.

At-will (unclassified) Employees: A Department Head may dismiss any unclassified employee with or without cause, subject to confirmation by the City Manager. Written notice of the dismissal shall be provided to the employee to include the effective time and date of the action. Department Heads are encouraged, and it is recommended, to seek advice from the Human Resources Department prior to recommending the dismissal of any unclassified employee.

III. Resignation

A Department Head may accept the written or verbal resignation of any employee at any time. A Department Head must confirm, in writing, the receipt of the employee's resignation and acceptance of the employee's resignation. Upon accepting a written or verbal resignation, the Department Head shall promptly notify the HR Director, in writing, to include the effective date, the reason for the resignation, if available, and other pertinent data. Acceptance of a resignation does not prevent a Department Head from disciplining an employee prior to the effective date of the employee's resignation.

IV. Abandonment of Position

Any employee who is absent from duty for three (3) or more consecutive work days, or equivalent, at shift time without proper notification and authorization shall be deemed to have voluntarily terminated his/her position and shall be separated from the service unless the Department Head acquires knowledge that an employee's leave may be for an FMLA-qualifying reason and/or the employee is unable to contact the City due to medical reasons. Classified employees shall have the right to appeal this action to the Hearing Officer, as provided in the Appeals Policy and Procedure.

V. Reduction in Force

This section shall apply to all regular appointed employees within the classified and unclassified service; however, termination of a grant-funded position shall not be subject to the RIF provisions.

A. In General

1. A reduction in force ("RIF") may be declared by the Mayor and Council for the following reasons: lack of work, lack of funds, a reduction in operational needs, reorganization or, when necessary, to carry out the adopted City budget.

2. A reduction in force is not a disciplinary action and may not be used for the purpose of dismissing or demoting classified employees whose job performance is unacceptable. A reduction in force shall not be used to intentionally alter the demographics of a department or classification based on any legally protected trait or class.

3. Prior to initiating a reduction in force, the City will consider using other means, such as hiring freezes, reduction through attrition, reduced work weeks or other methods to lessen the negative impact of such action, unless the reduction in force is declared due to reorganization.

4. The Human Resources Department will endeavor to place an employee who is being considered for reduction in force into an appropriate vacant position based upon experience and training without going through any recruitment process and without application of the Lateral Transfer Policy. The Human Resources Director, through consultation with the City Manager, is authorized to create a procedure and/or matrix for placement of employees; however, such procedure or matrix may include consideration of seniority. With respect to compensation for employees transferred under this provision, the Human Resources Director has discretion to set salaries using the normal demotion matrix or another process subject to availability of funds. A Department Head who obstructs this process, and/or an employee who fails to report to a new assignment based on the RIF, could be subject to discipline up to and including dismissal.

B. Process

1. It shall be the responsibility of the Human Resources Director, upon recommendation of the Department Head and consistent with this procedure, to define the department, function, division, classification, agency, or any other logical grouping, within which the mechanics of the RIF apply.

2. Within each defined grouping as set forth in subsection (A) above, each affected

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class will be treated separately, and the Human Resources Director shall make every reasonable effort to place employees who have been declared excess or surplus to the needs of any department because of a RIF. If placement of such employees is impossible and layoffs become mandatory, then such employees shall be laid off in the following descending order of priority:

- a. Layoff of non-regular appointed employees
- b. Layoff of regular appointed employees with the least amount of continuous City-wide seniority
- c. If seniority dates of regular appointed employees are identical, then layoff in order of relative efficiency, to be determined by written performance evaluations, appraisals and record of disciplinary actions covering a minimum period of twelve (12) months or longer
- d. If after considering the above, two or more employees are identical, then layoffs will occur in alphabetical order.

C. Notice

If no position is available for placement of an employee subject to the RIF, the HR Director, at least twenty-one (21) calendar days prior to the date of separation, shall notify in writing any employees scheduled to be laid off. Employees laid off because of this provision will not be deemed to have been dismissed for disciplinary reasons, and therefore, will not have any right to appeal the dismissal to the Hearing Officer or Grievance Policy.

At the conclusion of any RIF, the Human Resources Director shall submit a report to the City Manager concerning the outcome of the RIF.

D. Re-Employment Rights

Regular appointed employees who are separated as a result of a reduction in force shall be placed on a Recall List, as defined by the City Recruitment and Selection Policy, for a period of one year. Such employees will be given consideration for future vacancies for which they qualify, provided the position is of an equal or lower pay grade to the position or classification the employee held at the time of the RIF.

Salary rates for rehires shall be implemented consistent with the Positions and Compensation Policy and Procedure.

VI. Administrative Separation without Prejudice

An employee who is unable to perform the essential job duties of his or her position because of a disability, as defined by the Americans with Disabilities Act (the "ADA"), may be separated administratively, without prejudice. An administrative separation without prejudice may be voluntary or involuntary.

An employee is eligible for administrative separation without prejudice if both of the following conditions are met:

1. The employee is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition; and

2. The employee is not eligible for leave pursuant to the Family and Medical Leave Act (FMLA) Policy and Procedure or is ineligible or has refused to accept a reasonable accommodation offered pursuant to the ADA.

Human Resources will review medical documentation provided by the employee's medical provider to determine whether the employee has a medical condition or impairment that meets the definition of disability under the ADA.

An administrative separation without prejudice is not a disciplinary action and therefore may not be appealed to the Hearing Officer. An administrative separation without prejudice also is not grievable. Administrative separations without prejudice shall not adversely affect any payments or benefits to which such employees may be entitled under the Workers' Compensation Laws of the State of Georgia.

VII. Death

Department Heads shall report promptly to the Human Resources Director the separation of any employee due to death and the date of such death.

VIII. Break in Service

For purposes of implementing Georgia Act No. 302 and Georgia Act No. 303, enacted on May 7, 2013, "break in service" shall mean any separation from employment with the City, whether voluntary or involuntary, and shall be limited to termination without reinstatement by the Hearing Officer, retirement, resignation, administrative separation and/or separation resulting from a RIF. The break in service is effective immediately at the time of one of the above employment actions.

CITY OF SOUTH FULTON MANUAL



300 PERSONNEL ADMINISTRATION

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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City of South Fulton | February 22, 2022

I. Statement of the Policy

It is the policy of the City that employees meet punctuality and attendance standards in accordance with the expectations of their job positions and applicable law. In addition, as a public agency, the City has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf.

If employees are unable to report for work on any day, they must call and/or email their supervisor at least two hour(s) or as soon as practical thereafter, before the time the employee is scheduled to begin working for that day. The City may inquire about the general reason for an absence or tardiness. Unless extenuating circumstances exist, employees must call in on each day they are scheduled to work but will not report to work.

Excessive absenteeism or tardiness, which may include but is not necessarily limited to, unplanned absences or tardies that exceed an employee's accrued sick leave and/or last-minute absences or tardies, including no-call/no-shows, may result in disciplinary action up to and including termination, unless the absence or tardiness is legally protected. The following types of time off will not be considered grounds for disciplinary action under this policy:

- Excused time off, including vacation and other forms of paid time off
- Approved leaves of absence, including jury duty leave, military leave, leave protected under the Family and Medical Leave Act or Georgia law, and time off or leave provided under the Americans with Disabilities Act or Georgia law
- Time off due to a work-related injury that is covered by workers' compensation
- Unscheduled absences or tardiness resulting from circumstances beyond the employee's control, including, for example, unexpected school delays or closures and inclement weather that interferes with an employee's ability to arrive to work on time.

Each situation of absenteeism or tardiness will be evaluated on a case-by-case basis. Employees are expected to notify their supervisors in a timely fashion for unscheduled absences to be considered excused.

Generally, absenteeism will be considered excessive when an employee incurs three or more unexcused absences of any length in a rolling 90-day period; however, even one unexcused absence or tardiness may be considered excessive, depending upon the circumstances. An unexcused absence may occur whenever a supervisor does not accept as reasonable an employee's explanation for an unscheduled absence or occasion of tardiness. However, a supervisor may only designate an unscheduled medical-related absence as unexcused after consulting with the Human Resources Department. Upon determining that an unscheduled medical-related absence will not be excused, the supervisor shall notify the employee in writing that the absence was not excused and that it will be submitted as leave withoutpay.

An employee is deemed to be tardy whenever he/she fails to report to work more than ten (10) minutes past his or her scheduled start time. Excessive tardiness occurs when an employee is tardy three or more times during a rolling 90-day period. The City will not subject employees to disciplinary action or retaliation for an absence or for tardiness that is legally protected. If the employee believes that his or her absence or lateness to work is legally protected, the employee should notify his or her supervisor or manager of this fact at the time of the absence or tardiness. Employees will not be required to reveal the nature of any underlying medical condition to their supervisor or manager. If an employee believes he or she has been mistakenly subjected to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with his or her manager or Department Head. If the employee believes the matter has not been resolved by their manager or Department Head, the employee should contact the Human Resources Director. In addition, for FMLA and ADA-related matters, the employee should contact the Human Resources Department. Please see the City's FMLA Policy, ADA and Reasonable Accommodations Policy for further information.

Non-exempt employees who arrive after their scheduled start time but within the ten (10) minute grace period may, at the discretion of the Department Head, be allowed to make up time or required to use available vacation or sick time (as applicable) as a replacement for salary. Making up time is a privilege granted where good reason is provided. A request to make up time should be made in writing to the Department Head and include an explanation of the circumstances contributing to the tardiness. Generally, make up time must be completed within the same work week.

Absent extraordinary circumstances or a legally protected reason, if an employee fails to report to work for a period of four (4) days and the absence is not approved nor has the employee provided proper notification to their supervisor, the City will consider the employee to have abandoned and voluntarily terminated his or her employment.

Responsible Use of Sick Leave

In addition, as a public agency, the City has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf. For that reason, the City takes seriously the inappropriate use of sick leave, which is essentially a misuse of public funds. Misuse of sick leave may constitute an attendance issue giving rise to discipline. The Department Head or his or her designee is authorized to discipline an employee for unscheduled sick leave usage as described in the Sick Leave Abuse and Prevention Policy 322-18.

Supplemental Procedures

Each department should develop and maintain its own supplemental written time and attendance procedures to address issues unique to the department that are not included in these procedures. Issues that should be addressed in such departmental procedures include, but are not limited to, the procedure for requesting use of vacation leave and other paid or unpaid time off and the notification procedure when an employee will be absent due to illness or unexpected emergency.

In addition, law enforcement and public safety departments are allowed to develop,

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adopt and enforce more stringent time and attendance standards and/or procedures as deemed necessary for their operation. Any time and attendance procedures so adopted must be in writing and reviewed by the Human Resources Director, City Manager and other key stakeholders, as applicable prior to implementation.

CHILDREN AT WORK

Number: 301 -18

I. Statement of Policy

The presence of children in the workplace with the parent/guardian during the employee's workday is inappropriate and is to be avoided. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and maintain the City's professional environment.

If bringing a child to work with the employee is unavoidable, the employee must obtain written permission from their supervisor/manager to have the child accompany the employee while working.

Factors the supervisor will consider are:

- how long the child needs to be present
- the work environment in the employee's area
- any possible disruption to the employee and co-worker's work

A child brought to the workplace in unavoidable situations will be the responsibility of the employee and must always be accompanied and under the direct supervision of the employee.

CRIMINAL BACKGROUND CHECK

Number: 302 -18

I. Statement of the Policy

A criminal background check will be conducted at or prior to employment for every individual who is employed by the City to fill either a full-time, part-time, seasonal or temporary position within the City. The City will consider job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be used solely for employment purposes.

It is the intent and purpose of this policy to (a) assist the successful reintegration of formerly incarcerated individuals back into the community; (b) to enhance the health and security of the community by assisting people with criminal records to provide for their families and themselves; and (c) to ensure that just and fair measures are implemented and practiced within the City of South Fulton when screening and identifying prospective employees who may or may not have criminal records.

II. Background and Applicability

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This policy shall apply to all City departments and agencies unless herein or otherwise exempt. To the extent that it may conflict with Georgia law, Georgia law shall govern.

III. Fingerprint and Records Check

The City may require a fingerprint and records check of any applicant who has accepted an offer of employment. Prior to conducting any fingerprint and records check about an applicant, the City shall provide standard written notification advising the applicant that, upon his or her written consent, the City will conduct such an inquiry.

The Department Head of the hiring department shall make a final hiring or promotion decision after reviewing the results of the fingerprint and records check and consulting with the HR Department and/or other key stakeholders, as applicable. If after conducting a fingerprint and records check the Department Head makes an adverse employment decision including, but not limited to, the refusal, rescission, or revocation of a conditional offer of employment, or termination of employment, the City must, within a reasonable period of time but not to exceed thirty days:

1. Notify the applicant of the adverse employment decision
2. Provide the applicant with a photocopy of the results of the criminal history inquiry, indicating the particular conviction(s) that relate(s) to the position's responsibilities
3. Take any additional steps as may be required by applicable law

Applicants that desire to contest their report may do so through a process determined by the requesting agency. The process may include comparing fingerprint records, as applicable.

IV. Factors for Consideration

The City recognizes the Equal Employment Opportunity Commission's guidance that exclusionary employment policies should be job related and consistent with business necessity to avoid potential disparate impact. For these reasons, the City conducts criminal background checks targeted to consider the following factors:

- The nature and gravity of the offense
- The amount of time elapsed since the date of offense
- The nature of the position being sought in relation to the offense

V. Confidentiality:

Any information obtained by the City that pertains to an applicant's criminal history:

- Shall remain confidential
- Shall only be shared with individuals that have a need to know the contents for the purpose of evaluating candidates or employees in a manner consistent with this policy, except as dictated by law
- Shall not be used, distributed, or disseminated by the City for any use other than those permitted under this policy

- Shall not be used, distributed, or disseminated by the City to any other entity or individual, except as dictated by State or Federal law.

VI. Prohibition Exceptions

The prohibitions of this policy shall not apply to any position, including any law enforcement, public safety, legal, judicial or municipal court positions, for which any Federal or State law or regulation requires the consideration of an applicant's criminal history for the purposes of employment, provided the exemption is limited to those offenses or types of offense that Federal or State law or regulation requires the City to consider. The prohibitions of this policy also shall not apply to any positions designated by the City to participate in a Federal or State government program or obligation that is designed to encourage the employment of individuals with criminal histories.

VII. Administration of Background Check Policy and Procedure

The Human Resources Department is responsible for the administration of this policy. Questions regarding this policy or background checks that are not addressed in this policy, may be directed to HR.

VIII. Initial Application of Employment and First Interview

The City shall not make any inquiry regarding an applicant's criminal history during the application process or before or during the first interview. If a Department Head does not conduct an interview, the Department Head is prohibited from making any inquiries or gathering any information regarding the applicant's criminal convictions during the application process. If an applicant voluntarily discloses any information regarding his or her criminal convictions by unsolicited written or oral disclosure prior to or during the first interview, a Department Head may discuss the criminal convictions disclosed by the applicant.

IX. Second Interview

Although criminal history inquiries are permitted as of the second interview and beyond, the City shall not require any applicant to disclose or reveal:

- Any arrest or criminal accusation made against the applicant, which is not pending against that person and which did not result in a conviction
- Any records which have been erased, expunged, the subject of an executive pardon, or otherwise legally nullified
- Any juvenile adjudications of delinquency or any records which have been sealed

X. Authorization

When a background check is required, applicants/employees must complete the City's background check authorization form. Failure to timely complete an authorization form may result in removal from further consideration and/or termination of employment. Falsification or omission of information may result in denial of employment or discipline, up to and including termination.

I. Statement of the Policy

With the exception of employees appointed to positions by the Mayor and Council, it is the policy of the City that employees may be involuntarily or voluntarily demoted from one job classification or position to another job classification or position in accordance with applicable City policies and procedures, e.g., The Discipline Policy.

II. Background and Applicability

This policy generally applies to all City employees. This policy does not apply, however, to employees occupying positions to which appointments are made directly by the Mayor and Council.

III. Demotion Defined

A demotion for performance is the appointment of an incumbent employee to a classification or position of a lower pay grade than the employee's current job classification or position for reasons of performance (involuntarily or voluntarily).

IV. Demotion Approval

A demotion can be voluntary or involuntary and may occur at the request of the Department Head or at the request of the employee. A demotion can be within the same department or in another department. If more than one department is involved, however, approval of both the losing and gaining Department Head, as well as that of the Human Resources Director, is required.

V. Reasons for Demotions

The reasons for demotion may include, but are not limited to, the removal of higher level duties and responsibilities, the inability of an employee to assume or perform the duties of his/her position, and/or reduction in force. In addition, an employee may be demoted for disciplinary reasons.

VI. Effect on Compensation

An employee who is demoted for performance will typically receive a reduction in pay in an amount determined by the Human Resources Director and based on budget availability. The demoted employee's salary rate for the lower position must fall within the minimum and maximum rates of the assigned pay grade for the lower position.

Applying and transferring to a new position in a lower-level job classification, may or may not result in a salary reduction, if the employee's salary falls within the minimum and maximum range of the assigned pay grade for the lower position.

VII. Appeals

A classified employee who is involuntarily demoted for cause shall have the right to appeal, as provided in the Appeals Policy.

I. General Expectations

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Projecting professionalism is important for City employees. Whether your job responsibilities place you in direct contact with elected officials or the public, you represent the City with your appearance as well as your actions.

Generally, the City has a business professional dress code and employees are expected to wear business professional attire to work at all times. Business professional attire includes dress pants, suits, dresses, skirts, sweaters, blouses, collared shirts, or uniform clothing as required by the department. Shirts must be tucked in and clothing must fit well, be clean, and properly pressed.

Uniformed employees must wear the designated uniform when reporting for work and shall ensure that it fits well, is neat, clean, and properly pressed. The official designated uniform may not be intermixed with other clothing. Employees wearing uniforms off duty are bound by the same high standards and policies as if on duty.

II. Casual Fridays

Unless otherwise directed by the City Manager, employees may wear casual attire on Fridays. This policy does not apply to employees who are required to wear designated uniforms unless the City Manager authorizes otherwise for "Special Occasions." Acceptable attire for casual Fridays include jeans, khaki pants, City logo sweatshirts or collared shirts, dresses, skirts, mid-calf dress Capri's (not form fitting) and office-appropriate sandals. All clothing worn on Fridays must fit well, be clean, and properly pressed.

III. Inappropriate Dress

The following clothing items are **not** appropriate at any time: shorts, halters, tank tops, mini dresses, spaghetti strap tops, leggings of any kind, jeans/khakis with holes, cargo pants, overalls, jogging suits, low neckline front or back, sheer clothing, clothing that is too tight or too short, flip flops and slippers, sandals with no strap, Crocs of any kind or clothing/hats that have inappropriate words, pictures, scenes, etc., that would be disruptive to the work environment.

All decisions about whether an employee is appropriately dressed for work shall be made by the Department Head in his or her sole discretion. Employees considered not appropriately dressed, may be required to leave work to change into the appropriate attire. Employees will be required to use their own leave time while they are away from work to change clothes.

EMPLOYMENT OF RELATIVES

Number: 305 -18

I. Statement of the Policy

The City discourages nepotism, but does not prohibit the hiring of qualified applicants who are relatives of current employees. The City also encourages collegial relationships, but discourages relationships that could disrupt the work environment or lead to an actual or perceived conflict of interest.

II. Offer of employment to relative

Prior to extending an offer of employment to the relative of any current employee or elected official, a Department Head must submit a written request for approval to the Human Resources Director. All requests for approval of the appointment of a relative must be accompanied by documentation that demonstrates that the relative is the person best qualified to perform the work required by the position. If the Human Resources Director disapproves of a request to appoint a relative, then the requesting Department Head may appeal to the City Manager, whose decision will be final. Department Heads are responsible for ensuring that this procedure is followed when hiring the relative of a current employee. Department Heads who extend job offers to relatives of current employees without the approval of either the Human Resources Director or City Manager may be subject to disciplinary action by the City Manager.

III. Employment of relatives within the same department

Notwithstanding Section (II) above, no individual shall be hired, promoted or permitted to transfer into any position where the Department Head or someone who will be in the employee's direct chain of command is a relative. Pre-existing employment relationships falling within the purview of this paragraph will be permitted to continue; however, that exception does not apply to reemployment, promotions, demotions, reassignments, and lateral transfers that occur after the effective date of this policy. Moreover,

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relatives shall not work for the same direct supervisor without the prior approval of the Human Resources Director. An employee must notify the Human Resources Department, in writing, whenever a promotion, demotion, reassignment or lateral transfer of an employee would result in a violation of this paragraph.

IV. Restrictions on supervisory relationships between relatives

No individual shall be hired, reinstated, reemployed, transferred, promoted, demoted or assigned to any position that is under the direct or indirect supervision or control of a relative. "Supervision" means the authority to direct, control, and/or participate, either directly or through chain of command, in decisions concerning or affecting the terms and conditions of an individual's employment. "Terms and conditions of employment" include but are not limited to appointment, salary, hours, shifts, transfers, assignments, leave approval, working conditions, performance evaluations, promotions, training, classification, retention, evaluation, demotion, discipline and all other job-related opportunities and privileges. An employee must notify the Department Head, in writing, whenever a promotion, demotion, reassignment or transfer of the employee would result in a violation of this paragraph.

V. No influence by relatives

No employee shall initiate, participate in, or exert any influence on any personnel action which may directly affect the employment status of a relative. No employee shall select, advocate or recommend (either orally or in writing) a relative for appointment, employment, promotion, or advancement to any position with the City. Referring a relative for consideration for appointment, employment, promotion, or advancement to a position, including forwarding or distributing resumes or applications on behalf of a relative, is also prohibited.

VI. Disclosure required

All applicants for employment with the City are required to disclose the names of any relatives currently employed by the City on the application for employment. Should an Department Head extend an offer of employment to a relative of a current employee, it is the responsibility of the applicant to fully disclose the relationship to the Department Head before the offer of employment is accepted. The intentional failure to disclose a relative relationship constitutes a violation of this policy and may be grounds for rescission of the offer of employment, non-selection and/or discipline, up to and including termination.

VII. Changes in status

It is the responsibility of every employee to keep his or her Department Head informed of any changes relevant to the Employment of Relatives Policy and this procedure. Failure to timely report such changes may result in disciplinary action up to and including termination. Employees within the same department who become related through marriage shall notify their Department Head, in writing, within five (5) business days.

The Department Head, in consultation with the Human Resources Department, shall determine whether a supervisory relationship exists between the employees and, if appropriate, make such changes as are necessary to prevent and/or remedy any violations of this policy. Both employees will be permitted to retain their positions within the department provided that one is not under the direct or indirect supervision of the other. If one employee is under direct or indirect supervision of the other, the Department Head shall consult with the

Human Resources Department to identify alternative arrangements for reporting, evaluation, assessment, and supervision.

Such arrangements may include, but are not limited to, the transfer of supervisory authority, restructuring of job duties or reporting relationships, assignment to a new shift, or reassignment of one of the employees to another division within the department. When alternative arrangements within the department cannot be made or are not practical for business reasons, the matter shall be referred to the Human Resources Director who shall make every reasonable effort to facilitate the transfer of one of the employees to a comparable vacant position in another department. If a position in the same job classification is not available, the Human Resources Director may offer the employee a transfer to a vacant position in another classification for which the employee is qualified.

In the absence of an agreement which is satisfactory to all affected parties, the employee with the lower pay grade, or, if the employees are of the same grade, the employee with the least amount of active creditable service shall be transferred. All transfers are subject to approval by the Department Head of the receiving department who may, at his or her discretion, choose to interview the employee referred for transfer. Any action that results in movement to a position assigned to a lower salary grade, that results in a reduction in salary or compensation, shall not be considered disciplinary in nature and shall not be subject to appeal to the Hearing Officer. Should the employee subject to transfer decline the offer to transfer to an available position, the Department Head, in consultation with the Human Resources Director, is authorized to take appropriate action to resolve the violation of this policy.

VIII. Definitions

For purposes of this HR policy, "relative" is defined as an individual's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse, domestic partner, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, foster parent, foster brother, foster sister, fiancé, fiancée or legal guardian. The term "relative," as used in this policy, also includes relationships between individuals who are in a consensual romantic or sexual relationship, regardless of whether they are cohabitating.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Number: 306 -18

I. Statement of the Policy

It is the policy of the City to fully comply with the Family and Medical Leave Act (FMLA) to provide eligible employees with leave for qualifying reasons and to assure those employees that they will be able to return to work into the same or an equivalent position with all of the same benefits, pay, terms and conditions of employment as provided by law.

It is further the policy of the City to comply fully with each and every requirement of

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the Family and Medical Leave Act.

II. Eligibility

To be eligible for FMLA benefits, employees must have (1) worked for City for a total of at least 12 months, which need not be consecutive as defined by applicable law; (2) worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) worked at a location where at least 50 employees are employed by the City within 75 miles, as of the date the leave is requested.

Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify, they should contact the Human Resources Director or his/her designee.

III. Methods and Amount of Leave Available

(1) Amount of Leave Available as Family and Medical Leave

The maximum amount of FMLA Leave will be 12 work weeks in any 12-month period when the leave is taken for (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and/or (4) Military Emergency Leave. However, if both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 12 work weeks off between the two of them when the leave is for bonding leave or to care for a parent using family care leave. The applicable "12- month period" utilized by the City is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

The maximum amount of FMLA for an employee wishing to take military caregiver leave will be a combined leave total of 26 work weeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date.

If both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 26 work weeks off between the two when the leave is for military caregiver leave only or if the leave is for a combination of military caregiver leave, military emergency leave, bonding leave and/or family care leave taken to care for a parent.

IV. Required Use of Paid Leave Time

The City requires employees to utilize any comp time, vacation, sick, and/or holiday leave available prior to being placed on unpaid status during family leave. Employees may also request, in writing, to use their accrued compensatory time and such request will be approved by their Department Head. Employees using paid leave while on FMLA are subject to the policies governing use of paid leave. Any employee who uses any paid leave for medical appointments or recurring treatment may be required to submit reports of attendance at such appointments.

V. Prohibition of Retaliation

The City does not condone, and will not tolerate, any adverse action taken against an employee because of that employee's exercise or attempt to exercise his/her rights under the Family and Medical Leave Act. No employee of the City will be subjected to any adverse action because of that employee's bona fide opposition to or complaint about any alleged unlawful practice under the FMLA. Finally, no employee will be subjected to any adverse action because of giving any information and/or testimony relating to any rights under the FMLA.

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VI. Confidentiality

Documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members will be maintained separately and treated by the City as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, government officials or the City's legal counsel.

In addition to any other discipline already outlined in this policy, any employee who violates the confidentiality provisions of this policy could be subject to discipline up to and including termination.

VII. Fraudulent Use of FMLA Prohibited

An employee who fraudulently obtains Family and Medical Leave from the City is not protected by FMLA's job restoration or maintenance of health benefits provisions. In addition, the City will take all available appropriate disciplinary action against such employee due to such fraud.

VIII. Additional Documentation and Information

The City's "Employee Rights and Responsibilities" notice provides additional details regarding employee rights and responsibilities under the FMLA. Employees may obtain a copy of the "Employee Rights and Responsibilities" Notice from the Human Resources Department. Employees should contact the Human Resources Department about any FMLA questions they may have.

FITNESS FOR DUTY

Number: 307 -18

I. Statement of the Policy

The City has a strong commitment to providing a safe work environment for its employees and ensuring that each employee can perform the essential functions of his or her position, with or without a reasonable accommodation. In addition, the City is committed to complying with relevant regulations and contractual obligations; protecting the health and safety of the City's employees, customers and the public; protecting and enhancing the City's reputation; minimizing the City's exposure to liability; and improving the City's productivity.

The City is committed to complying with all relevant regulations and statutes. If any portion of this policy is contrary to any applicable law, the City will abide by the applicable law. If applicable State law regarding fitness for duty examinations is more restrictive than Federal law, the more restrictive State law will apply. Disability-related accommodations will be provided regarding fitness for duty situations in accordance with applicable law.

Employees of the City are expected to report for work fit for duty; in the event an employee appears unfit, action will be taken. The nature of that action should depend on the situation. Depending on the facts and circumstances, the employee may be removed from work, and/or given a drug or alcohol test, and/or sent for a job-related fitness for duty examination, and/or placed on Official Leave pending certification that they are safe to resume their job duties. A Fitness for Duty evaluation should not be used as a substitute for standard

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disciplinary measures if discipline is appropriate due to behavior or performance problems that have occurred.

II. Background and Applicability

This policy and procedure shall apply to all City employees. This policy and procedure in no way gives any employee a property interest in employment with City.

III. Definitions

- Fitness for Duty (FFD) Evaluation is defined as an examination performed by a licensed physician, psychologist, psychiatrist or other appropriate health care provider that determines an employee's ability to perform the essential functions of his/her particular job and/or, if circumstances warrant, to evaluate accommodations related to a disability (as defined by law) and/or to determine whether the employee's disability poses a direct threat to the safety of the employee or others.
- Department Head is defined as the person authorized by law or delegated the authority to make appointments to fill positions, and who is the executive head of a department.

IV. Responsibilities

Primary responsibility for fitness for duty rests with each employee. Employees are expected to inform their supervisors of any physical or mental impairment that is affecting their ability to work, including the use of medications that may impair their ability to work. In doing so, employees are not required to disclose a disability that they don't wish to disclose. Instead they should explain how their work safety or work performance is being affected by whatever circumstances exist. Only if employees wish to explain the nature of the disability or seek a reasonable accommodation should they discuss the disability.

Further, subject to applicable law, employees may be submitted to a fitness for duty examination if an observation of an employee's performance or behavior results in a concern regarding the individual's fitness to work that impacts the health and safety of themselves or others in the workplace. For example, a medical examination may be appropriate during employment under the following situations:

1. After observing signs or symptoms indicating that an employee may have a medical condition that impairs his or her ability to perform essential job functions and/or potentially poses a direct threat to the employee or others, which could include some or all of the following signs or symptoms:

- Complaints about behaviors or observed behaviors, involving on-duty conduct, including inappropriate behavior, threatened use of force, inappropriate verbal conduct, or any conduct suggesting an inability to effectively exercise self-control and self-discipline.
- An abrupt or negative change in customary behavior, resulting in an inability to effectively perform the essential functions of the position.
- Observed physical problems that are affecting the ability to perform the essential functions of the job, such as problems lifting, walking upstairs, focusing or talking in a manner that suggests unusual behavior or the effect of a physical or psychological problem.

- Suicidal, homicidal or violent statements or behaviors, or personal expressions of mental instability.
- Unexplained and excessive drowsiness, tiredness, confusion, or hyperactivity.
- Change in behavioral patterns or inattention to personal hygiene or health that affect performance on the job or create problems in interacting with others.
- Inappropriate use of alcohol, medications, or other drugs, including symptoms of illegal drug use.
- Memory loss that affects performance on the job or creates problems in interacting with others.
- A pattern of conduct indicating a possible inability or decrease in ability to defuse tense situations, a tendency to escalate such situations or create confrontations.

2. After receiving reliable information from a credible third party that an employee may have a medical condition that poses a direct threat to the employee or others.

3. Following an employee's return from leave when the City has a reasonable belief the employee may pose a direct threat to his/her safety or the safety of others due to a medical condition.

4. As part of a uniform policy to require fitness for duty certification upon return from a leave of absence related to an employee's own health condition. Return from an FMLA absence will be done consistent with FMLA regulations, but in appropriate circumstances, a direct threat or other permitted medical analysis may be done where it is legitimate to do so under the Americans with Disabilities Act or other applicable law. What the City should do regarding the above circumstances depends on the situation. Depending on the facts and circumstances, the employee may be removed from work, and/or given a drug or alcohol test, and/or a threat assessment may be appropriate, and/or the employee may be sent for a job-related fitness for duty examination, and/or the employee may be placed on Official Leave pending certification that he or she is safe to resume his or her job duties.

It is the responsibility of an employee's immediate supervisor to determine whether there is a need for requesting a Fitness for Duty evaluation, a drug or alcohol test or when there is a threat of imminent danger to the employee or others, which may warrant calling police services via 911. All such calls will be reported immediately to the appropriate Department Head. If a supervisor needs assistance in evaluating a particular situation, he or she should contact the Human Resources Department.

V. Procedures

General Provisions

Required medical examinations will only elicit information necessary to determine whether the employee can perform the essential functions of the job with or without a reasonable accommodation and, in some circumstances, without posing a direct threat to himself/herself or others. The scope of any medical or fitness for duty examination will be limited to the employee's specific limitations or observed behaviors that affect the performance of essential job functions, raise the possibility of potential accommodations and/or pose a direct threat to the employee or others.

Request for Fitness for Duty Evaluation

When conditions warranting evaluation have been identified, the supervisor should, at any appropriate time, describe in a confidential written memorandum, the circumstance(s)

that indicate that the employee's mental or physical fitness may be in question. Supervisors should describe how the employee's ability to perform essential job functions is affected or poses a direct threat by the observed behavior at work. Any written documents from the employee's treating physician(s), psychologist, psychiatrist or other qualified health care provider that the employee has provided should be attached to the memorandum and forwarded to the appropriate Department Head (such documents should not, however, be sent to persons who have no legitimate need to know of such information). This material should be sent in a sealed envelope marked "CONFIDENTIAL MEDICAL INFORMATION".

The Department Head shall forward the supervisor's memorandum and any attachments, along with a transmittal memorandum and a copy of the relevant job description, to the Human Resources Director, in a sealed envelope marked "CONFIDENTIAL MEDICAL INFORMATION."

The Human Resources Director or designee shall be responsible for reviewing the package for completeness and coordinating the necessary arrangements for the evaluation. If the FFD evaluation request is not approved, the Human Resources Director shall notify the Department Head and, where appropriate, the employee.

Notice to Employee of Fitness for Duty Evaluation Directive

Once the determination is made that a FFD evaluation is necessary, the Department Head or his/her designee shall notify the employee, in writing via certified mail, or other appropriate means, that a FFD evaluation is required. The notification shall include reasons for the evaluation. To the degree reasonably possible, it should also specify the date, time and place of the evaluation. The employee may be required to sign a limited medical release for any information obtained during the FFD process at the first FFD appointment. An employee's refusal to sign the limited medical release may result in disciplinary action, up to and including dismissal. In most circumstances, the employee shall immediately be placed on Official Leave with pay pending the outcome of the evaluation.

Fitness for Duty Report

Contents of the report should include the following:

- A statement that indicates whether the employee is "Fit for Duty" or "Unfit for Duty" in his/her present job
- A list of all tests/analyses conducted in the evaluation
- An estimated length of time an employee may be found unfit or fit, and any professional recommendations for accommodations if the situation involves a disability
- An explanation of the specific reason(s) the evaluator reached his/her conclusion.

Note that additional information may need to be provided in the report if the fitness for duty examination deals with a disability and accommodations should be considered or for purposes of determining whether a "direct threat" exists under the Americans with Disabilities Act.

The report from the physician, psychologist, psychiatrist or other qualified health care provider conducting the evaluation shall be sent directly to the Human Resources Director or his/her designee, who shall contact the Department Head to discuss the results. The report will

be placed in a sealed envelope marked "CONFIDENTIAL MEDICAL INFORMATION" and retained in the employee's separate and secure medical file located in HR Department (this document should not be placed in a regular personnel file). This document may only be used or disclosed in legitimate and appropriate circumstances to the extent authorized or permitted by law.

The Department Head or his/her designee shall notify the employee, in writing via certified mail, or by other appropriate immediate means of the results of the evaluation. Depending upon the evaluation findings, one of the following actions will take place:

1. Employees who are found fit for duty shall resume normal job duties immediately.
2. If the evaluation determines that the employee is unfit for duty and is unable to perform all of his/her essential job duties, the Department Head's certified letter to the employee shall include the following, as applicable:
 - a. An explanation that Family Medical Leave Act (FMLA) information and forms are enclosed and that the employee may be eligible and may choose to complete and return the forms to the FMLA leave Administrator or designee;
 - b. An explanation that the employee may request a leave of absence from his/her Department Head in accordance with City policy;
 - c. An explanation that the employee may be eligible for one or more accommodations under the Americans with Disabilities Act (ADA), and that the employee may contact HR for further assistance; and
 - d. An explanation that the employee may be eligible for long- term disability or disability retirement, and that the employee may contact the HR Department for further assistance.

Confidentiality

The sealed Fitness for Duty report shall be placed in the employee's medical file located in the HR Department. The report and any information released to the HR Director or his/her designee shall be confidential and shared only on a "need to know" basis with the Department Head and other officials. Due to the nature of fitness for duty evaluations and the necessity to coordinate such evaluations with the requirements of the Americans with Disabilities Act, the Family Medical Leave Act, Workers' Compensation laws, and other laws, policies and procedures, it is understood that Fitness for Duty evaluation cases should be treated on an individual basis and may involve consultation with the City Attorney, as needed.

Refusal to Undergo Fitness for Duty Evaluation

An employee who refuses or attempts to delay submitting to a Fitness for Duty evaluation may be subject to disciplinary action up to and including dismissal.

FLEXTIME AND COMPRESSED WORK WEEK

Number: 308 -18

I. Statement of Policy

In an effort to foster a working environment that enhances productivity, reduces vehicle emissions, increases employee morale, and enhances recruitment and retention, this policy is intended to provide City employees an opportunity to vary their work schedules, while allowing departments to continue to provide services to citizens and other City departments

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

in an efficient manner. These flex-time and compressed work week options shall not reduce the level of service or the hours of operation of any City department. As such, having a flex-time/compressed work week schedule is an employee privilege and not an employee right; it can be granted or revoked at the discretion of the Department Head at any time. An employee may also voluntarily withdraw from the program. Any changes to a flex-time/compressed work week arrangement must be approved in advance by the Department Head.

II. Background and Applicability

All City employees, departments, and agencies may be considered for flex-time/compressed work week options; however, not all employees will be eligible based on departmental operation or functional needs.

This policy applies to employees permitted to work a flex-time or a compressed work schedule. This policy does not apply to requests for a reasonable accommodation. Employees requesting to work a flex-time or a compressed work schedule as a reasonable accommodation should follow the City's procedures on requests for a reasonable accommodation.

III. Definitions

- A. **Flextime:** Workday start and end times differ from that of the workgroup's standard work hours, but the same number of hours per day is maintained.
- B. **Compressed Workweek:** Full-time options that allow employees to work longer days for part of a week or pay period in exchange for shorter days or a day off during that week or pay period.
- C. **Core Time Period:** Established range of time when everyone must be at work with flexibility on either end of the workday. For example, core hours may be from 9:30 a.m. to 2:00 p.m., but employees may start as early as 7:00 a.m. or leave as late as 6:00 p.m.

IV. Operating Guidelines

Regular office hours for most operations are 8:30 a.m. to 5:00 p.m. To ensure availability of personnel in all departments during these hours, each department must provide coverage during this time period by employees with necessary skills.

- The department may cancel the program at any time and revert to the conventional 5-day/8-hours per day/40-hours per week schedule.
- Those who abuse the policy may be removed from the program and scheduled to work a conventional 8:30 a.m. to 5:00 p.m. schedule.
- It is the responsibility of each supervisor to ensure that the policy and operating guidelines are understood and are being met within the work unit. Supervisors are also responsible to ensure that exceptions to the normal work week are recorded as they occur.
- Exceptions to the normal workday or week will be cleared with the supervisors as events occur. Leave, compensatory time or overtime will be accompanied by the normal request authorization and request forms.
- Time reports will be processed in accordance with present procedures.
- Eligibility for the program is determined by the Department Head.
- Once granted by the Department Head, employees adopting flex-time or compressed

work week schedules officially begin working such schedules at the beginning of a standard bi-weekly pay period.

- Employees must submit requests for flex-time or compressed workweek options to their immediate supervisors in writing. Approval or denial of such requests shall also be made in writing. Denials shall state the basis upon which the employee's request has been denied.
- Should the Department Head revoke an employee's privilege to participate in the program, written notice shall be provided to the employee stating the reason for the revocation.
- Whenever possible, changes to employee work schedules under this policy and procedure will be initiated with a minimum two-week notice.

V. Flextime Option: Operating Guidelines

Requests to Work a Flex-time/Compressed Workweek Schedule

- After completion of the probationary period of employment for classified employees or six (6) months of continuous employment for unclassified employees, the City will consider requests to work flex-time/compressed work week.
- All requests to work a flex-time/compressed work week must be in writing on the Flexible Work Arrangement Proposal Form (available from HR and submitted to the employee's Department Head and the Human Resources Department).
- Upon receipt of an employee's request, the City may contact the employee for additional information/ask for an explanation of why the employee's job responsibilities are suitable for a flex-time/compressed workweek arrangement.
- The City will consider requests to work flex-time/compressed workweek on a case-by-case basis taking into account the following factors: operational coverage; core work hours; and any other business reason. The City reserves the right to grant or deny requests in its sole discretion.
- The City may require employees working flex-time/compressed workweek to report to work outside of their customary hours occasionally to attend meetings or for other business reasons.
- The City may require employees on flex-time/compressed workweek arrangement to report to work during certain core business hours.
- The City reserves the right to revoke approval for a flexible work schedule and require the employee to revert to normal work hours at any time.

Flexible Hours for Non-exempt Employees

Non-exempt employees whose requests to work flexible hours have been approved must:

1. Take all meal or rest breaks required by law and City policy
2. Make up any missed work hours in the same workweek in which they are missed
3. Continue to accrue vacation time, sick time or other paid time off in the same manner as under standard work hours
4. Will be paid for all time worked, including payment of overtime for all hours worked as applicable per FLSA

VI. Compressed Work Week Option: Operating Guidelines

- The standard work week is listed in the City's Work Week, Work Period, and Pay Period Policy, with standard operating hours of 8:30 a.m. to 5:00 p.m.
- Eligible employees who work a standard 5-day workweek (Monday to Sunday) may request to work the following compressed work schedule: working ten (10) hours over the course of four (4) working days in one workweek (the "4/10" option)
- The City may designate separate non-standard workweeks for employees working a compressed work schedule. If an employee has questions about which work week applies to him or her, please contact the Department Head
- No full-time employee will be permitted to work a compressed work schedule during any week in which there is a paid City holiday.
- If an employee, whose regularly scheduled workday on a compressed work schedule is greater than eight (8) hours, takes vacation or sick time during a regularly scheduled workday, the employee's vacation or sick time balance will be deducted by the number of vacation or sick hours used, up to the number of hours in the employee's regularly scheduled workday.
- Employees on a compressed work schedule will be paid for any time spent on jury duty according to the City's Time Away from Work Policy. Employees will not be paid for time spent on jury duty during their regularly scheduled day off.

VII. Special Rules for Non-exempt Employees Working a Compressed Work Schedule

- Any changes to an employee's compressed work schedule must be approved in advance by a supervisor.
- Non-exempt employees working on any compressed work schedule continue to accrue vacation time, sick time or other paid time off in the same manner as under standard work hours and will be paid for all time worked, including payment of overtime for all hours worked in excess of 40 per work week.
- Timekeeping: Non-exempt employees who are permitted to work flex-time/compressed work week must comply with the City's applicable Timekeeping Policy and payroll practices. Employees must accurately record all working time within the City's official time and attendance software.

VIII. Administration

The City expressly reserves the right to change, modify or delete the provisions of the Flexible Work Schedule Policy without notice. Each Department is responsible for the administration of this policy with respect to the department's employees. Questions regarding this policy may be directed to the Human Resources Department.

GROUP BENEFIT PLAN

Number: 309 -18

I. Statement of Policy

It is the policy of the City of South Fulton to provide its employees with various insurance, retirement, and medical benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical, mental- health, and well-

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being of the employee and his/her dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

II. General Provisions

Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the HR Director within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the HR department.

Eligibility

Eligibility for health insurance, death benefits, retirement benefits, and supplemental benefits shall include regular full-time employees.

1. Employee contributions deducted via payroll will begin the month of the employee's eligibility.
2. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the City.
3. All employees shall have access to the Employee Assistance Program (EAP).

Qualified Status Changes

Due to the pre-tax nature of many of our benefit plans (including spending accounts), IRS regulations determine when an employee can and cannot make changes to his/her benefit elections after he/she has enrolled (referred to as qualified status changes). Benefit elections that an employee makes remain in effect for the entire plan year, unless the employee has a qualified status change. During the open enrollment period, the employee has the opportunity to change his/her benefit elections for the following plan year.

All paperwork related to changing an employee's benefits due to a qualified status change must be completed within 31 days of the date the status change occurred, and the employee must provide documentation proving the qualifying event, i.e. a marriage certificate). The changes become effective on the date of the qualified change. The following are examples of qualified status changes:

- Loss or gain of coverage through the employee's spouse
- Birth or adoption of a child
- Loss of eligibility of a covered dependent
- Marriage, divorce or legal separation, or annulment
- Death of a covered spouse or child
- Change in employment status

Benefits Continuation

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of South Fulton's group rates, plus any required fees. Certain deadlines and application requirements will apply. Employees may consult the Human Resources Department to apply for COBRA benefits.

I. Statement of the Policy

All City employees who are issued an identification card, must wear, and visibly display their identification card at all times while at work or when conducting City business. This policy is intended to provide for the safety and security of City employees.

II. Background and Applicability

This policy generally applies to all employees of the City, but does not apply to departments which currently require employees to hold an identification card such as Police.

III. Definitions

- A. Employee: For the purpose of this policy, employee shall refer to regular appointed, temporary, part-time, and seasonal employees, including interns.
- B. Identification ("ID") Card: The official City ID for all employees. The ID card will identify the employee's name, department, and position and include the employee's photo. New ID cards will be issued at no cost to new employees and employees who receive a lateral transfer, promotion, demotion, etc. to a different department or different classification.
- C. Official Capacity: Includes any time while at work or any time spent by an employee conducting business on behalf of the City. This also includes wearing the ID card while operating any vehicle owned or leased by the City.

IV. Visibility of Identification Cards

The identification card must be worn in a manner that shows the identification of an employee any time the employee enters a City building, during and after normal working hours. The identification card may be visually inspected by proper authority upon request. City employees may use the identification card outside of the City only for the purpose of identifying themselves as City employees. Security personnel will be responsible for monitoring personnel in the building and safeguarding property in City facilities to ensure the possession of proper identification cards.

V. Lost, Stolen or Damaged Identification Cards

If an employee's identification card is lost, stolen or damaged, the employee must immediately report the lost, stolen or damaged identification to their immediate supervisor who shall immediately notify the Department Head and the City Police Department with a request for issuance of a replacement identification card. A fee of no more than \$10 may be assessed to replace all lost, stolen or damaged cards for replacement for non-public safety employees. ID cards that are replaced due to normal wear and tear and name change will not be assessed a charge. Checks or money orders made payable to City of South Fulton are the only acceptable methods of payment.

VI. Return of ID Cards

Prior to separation of employment from the City, an employee must turn in their ID

card to their supervisor. The department is then required to send the ID card to the Human Resources Department. When an employee is suspended from work, Department Head should request employees to turn in their ID pending the employee's return to work.

VII. Requirements

Because the policy and procedures described herein are intended to provide for the safety and security of City employees, all employees are expected to fully comply with the provisions of this policy. Any employee who is found to be in violation of this policy may be subject to disciplinary action.

Employees forgetting or misplacing their identification badge may be given a temporary badge to wear by their supervisor that clearly indicates their employment with the City and the department in which they work.

VIII. Identification Card Holder Responsibilities

- Do not lend your ID to anyone
- Do not allow unauthorized individuals into any secure area
- Do not leave your ID on dash of vehicle or other locations where exposed to extreme temperatures
- Do not fold, bend, pry open or mutilate your ID
- Do not use your ID improperly
- Do not leave your ID unattended
- Do not duplicate your ID
- Immediately notify your supervisor if your ID is no longer in your possession

Immediately notify your supervisor of any difficulties or problems with any ID

LATERAL TRANSFERS

Number: 311 -18

I. Statement of the Policy

It is the policy of the City to allow employees to request a lateral transfer to another position in the same classification and pay grade in the same or different department. The transfer request will be considered subject to availability of open positions and the approval of the Department Head concerned.

II. Background and Applicability

This policy applies to all City employees.

A. Definition of Lateral Transfer

A lateral transfer is the appointment of an employee to another position in the same classification and pay grade in the same or a different department. Any employee may, at any time, request a lateral transfer from one department to another or from one position to another position within the employee's current department. All requests for lateral transfer should be made in writing to HR, subject to final approval by the Human Resources Director. Requests for lateral transfer are subject to availability of open positions and the approval of both Department Head concerned.

B. Request for Lateral Transfer to Open Position

When HR receives a request for a lateral transfer to an open position, the Human Resources Department will then notify and seek to obtain the approval of the Department Head concerned. When a lateral transfer has been agreed upon, a mutually agreeable effective date shall be determined by the applicable Department Head concerned. If an agreement cannot be reached, the Department Head shall inform the Human Resources Director and the Human Resources Director shall determine the effective date of the transfer.

C. Effect on Compensation

Absent unusual circumstances and subject to budget availability, a transfer under this policy will not result in a change in pay rate. However, in some instances including, but not limited to, transfers resulting from a reduction in force, stipulated settlement agreements, consent of the employee, or reinstatement following a disciplinary proceeding, a change in pay rate may occur without violating this policy.

ON-CALL PAY

Number: 312 -18

I. Statement of the Policy

To ensure that employees will be available to address and resolve issues that may arise, the City has instituted an on-call compensation policy to cover non-exempt employees who may be required to be on-call and/or return to work following their regularly scheduled shift.

During the on-call period, employees may not be required to report to work and may perform on-call work remotely to the extent their job allows and consent is given by their supervisor. Employees are free and encouraged to engage in personal activities during the on-call period. However, the City requires that the employee refrain from the use of alcohol and/or illicit drugs during their on-call period to ensure soundness of judgment.

This policy will be applied and interpreted in accordance with applicable municipal, state and federal legal requirements.

II. Applicability

This policy applies only to nonexempt employees. Exempt employees are not eligible for “on-call” pay.

A. On-Call Status

Some operational divisions in the City may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Head with approval of the City Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

a. Restricted On-Call means the time spent on-call on or away from City premises under conditions that prevent the employee from using the time for personal activities. The employee on Restricted On-Call status is required to report for any on-call assignment that arises during the applicable on-call period. This category of on-call is payable. Employees on a Restricted On-Call status will be paid one hour per day at their regular rate and will receive regular rate of pay for such time actually worked if called to respond to an emergency.

b. Unrestricted On-Call means the time spent on-call on or away from City premises under conditions that do not prevent the employee from using the time for personal activities. The employee on Unrestricted On-Call status may choose to report for an on-call assignment, but is not required to do so. Unrestricted On-Call status is not payable, except for such time actually worked, should the employee report for an on-call assignment. Employees will not be compensated for time spent on unrestricted on-call status. Employees will be paid their regular rate for time actually worked.

B. Call Back Pay

A call back occurs when there is an emergency or after-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- A non-exempt employee (full-time and part-time) responding to a call back will be credited the greater of two hours or the actual time worked on the call back assignment.
- Travel time is included in the calculation of call back hours.
- Exempt employees are not eligible for call back compensation.

OUTSIDE EMPLOYMENT

Number: 313 -18

I. Statement of the Policy

The City respects each employee's right to engage in activities outside of employment that are of a personal or private nature, to the extent that such activities do not create a conflict of interest as described in the City Code of Ethics or adversely affect the employee's ability to perform his or her job. Under certain circumstances; however, if an employee's personal conduct adversely affects his or her performance on the job or makes it impossible for him or her to carry out any or all of his or her job duties while at work, appropriate disciplinary action, up to and including termination of employment, may be appropriate.

A. Limitations on Outside Employment

An example of an activity that might adversely affect an employee's ability to perform his or her job duties is outside employment. While the City does not prohibit employees from holding other jobs, the following types of outside employment are prohibited:

- Employment that conflicts with the employee's work schedule, duties and responsibilities or creates an actual or perceived conflict of interest
- Employment that impairs or has a detrimental effect on the employee's work performance with the City
- Employment that requires employees to conduct work or related activities during working times or by using any of the City's tools, materials or equipment (Note: The prohibition against the use of City tools, materials and equipment does not apply to sworn law enforcement personnel)
- Employment that directly or indirectly competes with the business or the interests of City

For the purposes of this policy, self-employment is considered outside employment. Outside employment of the City's sworn law enforcement or public safety employees must be approved in advance in writing by the Department Head concerned. For all others, outside

employment must be approved in advance, in writing, by the Department Head and Human Resources Director. For appointed positions that report to the City Manager, approval must come from the City Manager. Annual approval for outside employment is required.

The City will not assume any responsibility for employees' outside employment. Specifically, the City will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment.

OVERTIME AND COMPENSATORY TIME

Number: 314 -18

I. Statement of the Policy

It is the policy of the City to properly compensate employees for all time worked, including payment of overtime and accrual of compensatory time, as allowed by and in accordance with applicable law.

II. Applicability

This policy and procedure applies to all employees who are "non-exempt" as defined in the Fair Labor Standards Act (FLSA) and may apply to exempt employees in certain circumstances as set forth herein.

1. Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Non-exempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of the applicable maximum hours as listed below and as otherwise required by applicable state and federal law, unless the employee receives compensatory time for overtime work as set forth in this policy:

- 40 hours in one standard work week for all non-exempt employees except those engaged in law enforcement or fire protection activities (as defined in 29 U.S.C. § 207(k));
- 212 hours in one 28-day work period for non-exempt fire protection employees (as defined in 29 U.S.C. §207(k)); or
- 168 hours in one 28-day work period for non-exempt law enforcement personnel (as defined in 29 U.S.C. §207(k)).

Paid time, i.e., sick pay, holiday pay, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

All overtime work must be authorized in advance by the employee's supervisor. Employees will be compensated for all time worked. However, working overtime without prior authorization may result in disciplinary action. The standard work week and 28-day work period discussed above are defined in the Work Week, Work Period, and Pay Period Policy.

2. Accruing Compensatory Time

The City may offer time off with pay (compensatory time) in lieu of overtime pay for overtime worked as provided by applicable law to a non-exempt employee to whom the City has provided sufficient notice under the law informing the employee that compensatory time

will be provided in lieu of overtime pay as allowed by law.

Compensatory time shall accrue at the rate of one and one-half (1.5) hours for each hour worked in excess of the applicable maximum hours set forth above in Section II (1) or as otherwise required by applicable State and Federal law. Paid time off such as sick pay, holiday pay, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

Eligible employees may not accrue more than 120 hours of compensatory time at any time. If an employee believes he or she has been subject to an improper salary deduction, has been improperly classified as exempt or non-exempt, or has not been paid overtime for any hours worked over their respective work period, the employee should notify HR or Finance directly.

III. Procedure for Using Compensatory Time

Non-exempt employees are encouraged to use their accrued compensatory time. A non-exempt employee who accrues compensatory time will be allowed to use his or her compensatory time within a reasonable period after making a request, so long as the use does not unduly disrupt the business operations of the City. To request the use of compensatory time, an employee should submit a written request to their supervisor as far in advance as possible. There is no guarantee that the compensatory time approved will be for the specific date(s) requested by the employee.

Any leave taken by an employee will be charged against accrued compensatory leave balances, if available, before any holiday or vacation balances are charged. Hours of compensatory time used during a work week do not count towards “hours worked” for that work week for purposes of assessing whether an employee is entitled to payment of overtime or accrual of additional compensatory time.

The City reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

IV. Paying out Compensatory Time

Any comp time accrued over the 120 hours maximum will be paid the following pay period in which it is earned. Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded.

Compensatory time will be paid out as following (whichever occurs first):

1. 120 hours maximum accrual
2. Separation of employment
3. Change in classification affecting compensation (i.e. promotion/ demotion)

If the City in its discretion decides to cash out an employee’s accrued compensatory time balance at a time other than upon termination, payments for such accrued compensatory time will be paid at the regular rate earned by that employee at the time the employee receives such payment.

V. Exempt Employees

Exempt employees are expected to work as much of each workday as is necessary to fulfill their job responsibilities. Exempt employees are not eligible for overtime pay. At the sole

discretion of the City, exempt employees may be offered compensatory time in certain circumstances, upon approval from the City Manager, for departments under his or her direct supervision. If such compensatory time is offered, exempt employees will be allowed to use the compensatory time at a time convenient for the City. Exempt employees will receive payment for accrued unused compensatory time at their regular rate of pay upon separation from employment with City.

PAID PARENTAL LEAVE

Number: 315 -18

I. Statement of the Policy

The City is committed to fostering a family-friendly work environment for its employees. The City shall provide paid parental leave to eligible employees following the birth, adoption or foster care placement of a child with an employee to give parents time to bond with their new child, adjust to their new family situation and balance personal and professional obligations. In providing paid time off for activities related to the care and well-being of a child born to or placed for adoption or foster care with an employee, the City reaffirms its commitment to promoting family well-being and improving family economic security.

II. Background and Eligibility

Full-time employees who have been employed by the City for a minimum of one (1) year are eligible for paid parental leave. If employees are uncertain about their eligibility, they should contact the HR Director or his/her designee.

III. Reasons for Which Paid Parental Leave May be Granted

A. Qualifying Reasons for Paid Parental Leave:

- The birth of a child/children
- The placement of a child/children with the employee for adoption or foster care
- An employee's inability to work because of a post-pregnancy disability or incapacity related to childbirth
- To care for a spouse/domestic partner who experiences a post-pregnancy disability or period of incapacity related childbirth

B. Applicable Definitions

“Event” for purposes of this policy, means the birth (including post-pregnancy disability or incapacity related to childbirth), adoption or foster care placement of one or more children.

“Parent” for purposes of this policy, means a biological, adoptive, legal guardian or foster father or mother, or any other individual who stands *in loco parentis* to a child.

“Spouse” means the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This includes common law marriage, domestic partners and same sex marriage in places where these marriages are recognized.

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

IV. Methods and Amount of Leave Available

A. Amount of Leave Available as Paid Parental Leave

The City will provide up to six (6) weeks of 100% paid parental leave to an eligible employee upon the birth of a child or children, or upon taking custody of an adoptive child or foster child under the age of 18. An employee may receive only one period of paid parental leave for the care of any given child. An employee shall not use more than six (6) weeks of paid parental leave in any twelve-month period. The birth, adoption or foster care placement of multiple children that is part of the same event, does not increase the length of paid parental leave granted.

B. Calculation of Leave

Eligible employees will receive up to a maximum of six (6) weeks of paid parental leave per event. Eligible employees' leave is calculated by multiplying the assigned or average number of hours in a week by six (6). If both parents work for the City and meet the eligibility requirements, each parent will be eligible for up to a maximum of six (6) weeks of paid parental leave.

C. Use of Accrued Leave

Paid parental leave must be used within twelve (12) months following the birth, adoption or foster care placement of a child. To the extent an employee qualifies for leave under the Family and Medical Leave Act (FMLA) Policy and Procedure for the birth, adoption or foster care placement of a child, any paid parental leave taken under this policy shall be concurrent with, and not in addition to, leave taken under the FMLA Policy and Procedure.

Use of paid parental leave shall not require use of any accrued leave (e.g., sick, vacation, compensatory, holiday). Employees also may use paid parental leave before other accrued leave. Paid parental leave must be used before an employee enters into a leave without pay (LWOP) status. Any paid parental leave not used by the employee before the end of the twelve-month period to which it relates shall be forfeited and may not be accumulated for any subsequent use.

Paid parental leave shall be used in continuous days during the twelve-month period immediately following the birth or the arrival or placement of the adoptive or foster child. Parental leave may be used on an intermittent basis only if approved by the employee's Department Head in accordance with Paragraph A below. Paid parental leave will be paid at the employee's regular pay rate, but shall not include overtime.

D. Intermittent or Reduced Schedule Leave

Use of intermittent or reduced schedule paid parental leave is contingent upon the approval of the employee's Department Head. If the employee takes intermittent or reduced schedule paid parental leave, the actual number of hours of leave taken will be counted toward the total hours of leave allowed under this policy. Paid parental leave may not be used in increments of less than a full workday or work shift under any circumstance.

II. Notice

The City will process requests for paid parental leave using the same procedures established for employees to request and receive FMLA leave. Employees planning to use paid parental leave should provide their Department Head with no less than thirty (30) days advance notice of the birth, adoption or foster care placement of a child. When the birth, adoption or foster care placement is not foreseeable, employees should provide their Department Head with as much notice as is both possible and practical.

III. Confidentiality

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. All documents provided to the City regarding the leave will be maintained separately and treated by the City as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, government officials or City's legal counsel.

In addition to any other discipline already outlined in this policy, any employee who violates the confidentiality provisions of this policy could be subject to discipline up to and including termination.

PAYMENT OF WAGES

Number: 316 -18

I. Statement of Policy

The policy of the City is to correctly compensate City employees for all time worked. The City complies with all applicable laws, including the Fair Labor Standards Act, and will not allow any form of retaliation against individuals who make good faith reports of alleged violations of this policy, or who cooperate in an investigation by the City, even if the reports do not reveal any errors or wrongdoing.

II. Pay Periods

All employees will be paid biweekly on every other Friday by check or direct deposit. The pay period begins on Monday and ends on the second Sunday. If the regular payday falls on a recognized holiday, then employees will be paid on the official business day immediately preceding the regular payday. All employees will have access to their check detail via the City's payroll system.

III. Pay Check Deductions

The City is required by State and Federal laws to make certain deductions from an employee's paycheck each pay period. Such deductions typically include federal and state taxes and social security. Depending on the benefits an employee chooses, additional deductions may occur.

The pay of some non-exempt employees may be subject to deductions for items such as tools or uniforms. Such deductions will be made in accordance with State and Federal law and will require written authorization from the employee. The amount of all deductions will be listed on the employee's pay stub.

IV. Reporting Errors and Obtaining More Information

If any employee has questions about deductions from his or her pay, believes he or she has been subjected to improper deductions, or believes that the amount paid does not accurately reflect the employee's total hours worked or salary, they should contact their supervisor and/or the Human Resources Department. Every report will be fully investigated, and the City will provide the employee with any compensation to which the employee is entitled in a timely fashion.

I. Statement of Policy

It is the policy of the City to classify and compensate employees fairly and equitably in accordance with applicable Federal and State laws and City policies and procedures.

II. Position Classification Plan

The Human Resources Director is responsible for the preparation and maintenance of a Position Classification Plan. A Position Classification Plan is to include a list of all classes within the City, including classes that are on-range, set-rate, non-exempt, and exempt. Whenever a new class is established or abolished, the Human Resources Director is to amend the Position Classification Plan accordingly. The Position Classification Plan and amendments thereto shall be submitted for approval to the City Manager and Mayor and Council annually. Once approved by the City Manager and Mayor and Council, the Human Resources Director is responsible for assigning all positions to one of the classes in the approved Position Classification Plan. The Human Resources Director may consider requests to reclassify specific positions.

No employee shall be paid at a salary rate below the minimum or above the maximum of the salary range approved and established for the class in which the employee is currently serving. However, an incumbent employee's salary rate shall not be reduced because of a new or changed salary range for his/her classification, except in the case of a reclassification.

III. Compensation Complaint Resolution and Non-Retaliation

It is the policy of the City to correctly compensate its employees for all time worked. If an employee believes that he or she has not received all compensation owed, the employee must immediately report their concerns to their supervisor and/or the Human Resources Director and/or utilize the grievance procedure, if applicable. The City strictly prohibits retaliation against any employee who makes a good faith complaint under this policy.

IV. Definitions**A. Position Categories**

All positions in the City shall be allocated to one (1) of the following general categories:

1. **Regular Appointed Position.** A regular appointed position may be classified or unclassified and established on a full-time status for an indefinite period of time.
2. **Temporary Position.** A temporary position is one which is not continuous in nature. Temporary appointments may be made for a special project(s) or other work of a temporary or transitory nature. Employees appointed to temporary positions may not work more than 29 hours per week, or in excess of 1500 hours per year.
3. **Seasonal Position.** A seasonal position is either a full-time or part-time position for which the customary annual employment is six months or less and the period of employment begins each calendar year in approximately the same part of the year, e.g., summer or winter.
4. **Part-time Position.** A part-time position is one that is continuous in nature. Employees appointed to part-time positions may not work more than 29 hours

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per week, or in excess of 130 hours per calendar month.

B. Grant Funded Positions

In addition to being assigned to one of the above general position categories, a position may also be designated as grant funded to identify the source of the funding for the position. A grant-funded position is one that is established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law at the date of grant termination unless the Mayor and Council provides appropriate funding to continue the program or position on or prior to the date of grant termination. Termination of a grant-funded position shall not be subject to any reduction in force policy.

V. Abolishment or Establishment of a New Classification

Requests to abolish a current class or establish a new class not already included on the current Position Classification Plan shall be forwarded to the Human Resources Director for consideration and approval. If a request to abolish or establish a classification is approved, the Position Classification Plan shall be updated accordingly as described in Section II. This provision is intended to apply to classifications and is not intended to apply to the establishment or abolishment of a particular position, the latter of which is governed by internal HR and Finance procedures.

VI. Pay Schedule and Compensation Plan

The Human Resources Director is responsible for creating the Compensation Plan that will include a salary range for all classes, except those identified as set-rate. For set-rate classes, the Compensation Plan should only indicate that the salaries for such classes are set-rate. For all other classes, the assigned salary range is to include a minimum, midpoint and maximum salary rate. The Human Resources Director is also responsible for presenting the Classification Plan for approval to the City Manager and the Mayor and Council.

No employee shall be paid at a salary rate below the minimum or above the maximum of the salary range approved and established for the class in which the employee is currently serving. However, an employee's salary rate shall not be reduced as a result of a new or changed salary range for his/her classification, except in the case of a reclassification as described in Section IX below.

A. Salary Range Changes

A salary range for any classification may be changed when requested by the Human Resources Director, after the completion of a salary study by the Human Resources Department. Such a request shall be submitted to the City Manager and Mayor and Council for approval. Once approved by the City Manager and Mayor and Council, the salary range change shall apply to positions within the affected class irrespective of department and shall take effect only at the beginning of the fiscal budget year.

B. Set-Rate Classification and Positions

A classification not assigned to an applicable salary range shall be considered a Set-Rate Classification. Unless already fixed by law, the Mayor and Council shall set the salary for all classes that are not assigned a salary range or approve the changing of an on-range class to a set salary rate. A request to establish a set-rate class must be presented by the applicable Department Head to the Human Resources Director if the set-rate salary will exceed the current salary range for the applicable class. The City Manager shall in turn, submit the request

to the Mayor and Council for approval accompanied by the following: (a) a recommendation from the HR Director; (b) a budgetary analysis conducted by the Finance Department; (c) a recommendation from the City Manager; and (d) the results of a salary survey conducted by HR. All requests and recommendations must be in writing and maintained by the Human Resources Department for a minimum of 2 years.

VII. Entry Salary Rates

A. Salary Rate Determination

Subject to subsection (B) below, a Department Head may offer a new employee an entry salary rate in accordance with the systematic method developed by the Human Resources Director for use in determining the placement of employees within a pay range (see Chart A).

Upon approval by the Human Resources Director, a new employee appointed to a position in a professional, technical or scientific class may be offered an entry salary rate above the minimum rate of the salary range for the position. To obtain approval to offer an entry salary above the minimum rate, a Department Head must submit a written request to the Human Resources Director. In recommending an entry salary rate above the minimum rate of the salary range for a position, a Department Head shall consider an applicant's prior experience, education, unique competencies and other qualifications directly related to the position as well as internal budget constraints.

Upon receipt of the Department Head's recommendation, the Human Resources Director shall promptly conduct both a salary matrix analysis and an internal equity analysis to determine whether an above the minimum entry salary rate is justified. If the salary matrix supports the Department Head's request, the Human Resources Director shall verify with the Finance Department that funding is available to fill the position at the requested rate. Department Heads who extend job offers at salaries above the minimum rate without the approval of the Human Resources Director may be subject to disciplinary action by the City Manager and the City may refuse to honor such offers. The Human Resources Department shall maintain copies of the written request and the results of the salary matrix and internal equity analyses for a minimum of two (2) years.

Chart A

 1st Quartile	 2nd Quartile	 3rd Quartile	 4th Quartile	 Council
Applicant meets the minimum qualifications for the position.	Applicant must have greater than three (3) years directly related experience above what is required in the minimum qualifications.	Applicant must have greater than six (6) years directly related experience above what is required in the minimum qualifications.	Applicant must have greater than nine (9) years directly related experience above what is required in the minimum qualifications. (max salary)	Applicant salary offer exceeds the maximum of the range and requires Council approval. "Set Rate" <i>Special rate positions must accompany an analysis from HR</i>

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B. Effect of New Employees Hired Above the Minimum of the Range

Whenever a new employee is hired into a department at a salary rate above the minimum of the applicable range and the department has one or more current employees who are employed in the same job class, the Human Resources Department shall review the education, work experience, and performance evaluations of the other employees in the department who are in the same job class to determine if their qualifications meet and/or exceed those of the newly hired employee.

The Human Resources Department will provide notification to the Department Head of its findings:

1. If funding is not available to raise the salaries of employees in the same department employed in with the same job class, who possess comparable experience and qualifications as the newly hired employee, the Department Head will not be permitted to offer a salary above the minimum of the salary range.
2. If funding is available, the Department Head shall work with the Finance Department to adjust the salaries of all other employees in the same department employed with the same job class, who possess comparable experience and qualifications as the newly hired employee, upward to equal the salary paid to the newly hired employee. An employee must have not received an overall performance rating below "Satisfactory" or on his/her most recent performance evaluation and cannot have been on a Performance Improvement Plan within the last twenty-four (24) months to be eligible for a salary adjustment pursuant to this provision.

Funding for these adjustments may be derived from accumulated salary savings, as approved by the City Manager.

VIII. Pay Rates for Rehires

Former regular appointed City employees who (a) left their employment in good standing; (b) who were not terminated from employment; (c) who have no disciplinary actions, including written warnings, written reprimands, demotions or suspensions within the twenty-four (24) months preceding their separation; and (d) who apply for re-employment to a position within the same pay grade within six (6) months from the date of their most recent separation from a regular appointed position may be re-hired at the same salary rate of the position held when separated, subject to budget availability. If a former employee is re-hired into a position with a higher salary grade, the employee may receive the equivalent of either their salary at separation or the minimum of the salary range for the new position, whichever is greater, and this shall not trigger the raising of salaries of incumbent employees. The employee must meet current standards and eligibility requirements for the class in which the employee is re-hired.

IX. Reclassification of a Position

Job positions may be reassigned to new or existing classes when substantial and permanent changes occur in the assigned duties of a position which may justify a reclassification.

A. Reclassification – General Provisions

The Department Head may recommend that job positions be reassigned to new or existing classes when substantial and permanent changes occur in the assigned duties of a position which may justify a reclassification.

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A reclassification which does not result in a change in the salary grade of a position is a Title Change. Upon approval of a title change, the salary of the reclassified employee shall remain the same. A reclassification that results in movement to a higher pay grade shall be processed in the same manner as a promotion. A reclassification that results in movement to a lower pay grade shall be processed in the same manner as a demotion, although such reclassification shall not be considered a “demotion” with respect to the classified service designation.

B. Requests to Reclassify

Subject to availability of funds within their departmental budget, Department Heads shall submit requests to reclassify an employee and/or a position to the Human Resources Director accompanied by an explanation detailing the basis for the request.

C. Response to Requests to Reclassify

Step 1.

The Human Resources Director shall investigate the duties of the employee or the position. The Human Resources Director will review the organizational structure of the department and/or division in which the employee or position is assigned to ensure subordinate positions are not recommended for reclassification over the salary range for the supervisory positions(s). However, nothing in this policy precludes reconsideration of the appropriate pay ranges of the supervisory position(s) in order to submit the request for subordinate positions, if appropriate.

Step 2.

The Human Resources Director shall obtain an analysis from the Finance Department outlining the budgetary impact of the requested reclassification.

Step 3.

The Human Resources Director will determine if the position should be reassigned to a new classification. If approved by the Human Resources Director, the reclassification generally shall be effective retroactively to the beginning of the pay period immediately following completion of the Human Resources Department’s review of the employee’s job duties and/or position. Any reclassification that results in movement to a lower pay grade, however, shall be effective on the first day of the pay period following its approval by the Human Resources Director.

X. Assignment of New Positions to Classifications and Salary Ranges

Subject to availability of funds within their departmental budget as verified by the Finance Department, a Department Head may submit requests to establish a new position to the Human Resources Director accompanied by an explanation detailing the basis for the request.

A. Response to Requests to Establish a New Position

Step 1.

The Human Resources Director shall investigate the prescribed duties of the proposed position. The Human Resources Director will review the organizational structure of the department and/or division in which the position is to be assigned to ensure the position is

assigned to an appropriate pay grade based on its hierarchy within the department and/or division.

Step 2.

The Human Resources Director will determine the appropriate classification for assignment of the new position.

XI. Pay of Department Head or Elected Official

With the exception of the Mayor and Council, no Department Head shall receive less compensation than that which is authorized for any other employee in his/her department.

XII. Other Compensation Adjustments

A. Adjustments in Connection with Personnel Transactions:

An employee in a Set-Rate Classification/Position who is eligible for and accepts an appointment in an on-range position shall be placed at a pay rate within the range for the newly-assigned position in accordance with the systematic method developed by the Human Resources Director for use in determining the placement of employees within a pay range.

An employee in a non-regular appointed position who is eligible for and accepts an appointment to a regular appointed position in an equal or higher classification shall be placed at a salary rate in accordance with the systematic method developed by the Human Resources Director for use in determining the placement of employees within a pay range.

B. Cost of Living Adjustments

Upon approval of the Mayor and Council, general salary/cost of living adjustments (COLAs) may be granted to City employees on a City-wide, grade-wide or classification basis.

XIII. Pay Cycles & Computation

Department Heads shall certify on each payroll that all persons whose names appear thereon have been lawfully appointed and that they have actually worked the time for which they are being paid or were on authorized leave with pay. Department Heads shall further certify that such leave, if any, has been approved and reported on payrolls.

A. Pay Cycles

City employees will be paid bi-weekly during the calendar year; provided, however, that the City Manager may approve other pay cycles for designated departments where such cycles are necessary and justified by the nature of the department's operations.

B. Computation

Employees shall be paid their rate of pay in accordance with the City Pay Schedule and Compensation Plan. For payroll purposes, all employee pay shall be calculated as follows:

1. For purposes of this policy, the City work week runs from 12:00 a.m. Monday to 11:59 p.m. Sunday.
2. All paid time for any purpose, including pay for time worked, vacations, holidays, sick leave, or any other paid category shall be calculated and reported electronically by Department Heads in terms of "standard hours."
3. Annual standard hours are determined by multiplying the hours in the work-period by

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twenty-six (26) pay periods:

- 80-hour work-period: (80 hours x 26 = 2080)
- 84-hour work-period: (84 hours x 26 = 2184)
- 106-hour work-period: (106 hours x 26 = 2756)

The standard hourly pay rate is determined by dividing the employee's annual salary by the annual standard hours.

4. If necessitated by operational standards, and as required or allowed by the FLSA and upon approval of the City Manager, Department Heads may designate standard hours which differ from the above.

- Compensation for part-time, set-rate and hourly-paid employees shall be derived from their annual salary, converted to standard hours as provided above.

- Non-exempt employees who are absent from work in any non-paid status during any scheduled pay period shall have their pay reduced by the exact total hours and minutes resulting from such absences.

- Exempt employees are generally entitled to receive their full salary regardless of the number of hours worked within a work week, but their pay may be reduced while they are on non-paid FMLA leave (including intermittent leave), and for full day absences, provided the employee has no leave time available. In addition, pursuant to applicable law, the City may reduce an exempt employee's salary for absences less than a full day given that exempt employees of the City are paid according to a pay system established by a policy or practice pursuant to principles of public accountability, under which exempt employees accrue personal leave and sick leave and which requires City employees' pay to be reduced or such employees to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

- (1) Permission for its use has not been sought or has been sought and denied

- (2) Accrued leave has been exhausted, or

- (3) The employee chooses to use leave without pay.

- Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the work week in which the furlough occurs and for which the employee's pay is accordingly reduced.

- Additionally, any employee may have their salary reduced as a result of disciplinary actions in accordance with applicable law and City disciplinary policies and procedures.

C. Method of Payment

Employees are encouraged to sign up for payment by direct deposit by completing the required direct deposit election form. Employees who do not set up direct deposit of their wages to a bank account will receive their wages via check.

XIV. Payment of Compensation from Different Funds

Whenever part of the compensation of any position is paid from a different fund or is derived from any agency outside the service of City, all such part payments shall be identified and deducted from the total amount payable for any period under the rate prescribed so that the total compensation received from all sources shall not exceed the salary rate prescribed for the position.

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XV. Salary Surveys

Every two to five years, the Human Resources Director shall conduct a salary survey for the purpose of determining whether City salaries have remained competitive with those paid by comparable jurisdictions or industries as determined by the Human Resources Director for similar work. The Human Resources Director shall formulate recommended adjustments based upon the survey findings. Such recommended adjustments shall be forwarded to the City Manager and Mayor and Council for approval.

PROMOTIONS

Number: 318 -18

I. Statement of the Policy

It is the policy of City that employees may be promoted from one job classification or position to another job classification or position in accordance with the City's policies and procedures.

II. Promotion Definition

A promotion is an appointment to a position in a classification with a higher pay grade.

III. Eligibility

An employee may be promoted while in any status if they have established current eligibility for the promotional position. Generally, promotional recruitment shall be open only to current City employees who have been employed at least six months prior to the posting of the job announcement. However, any recruitment that is also open to the general public shall not be subject to such a minimum service requirement.

IV. Regular Appointed or Temporary Promotions – Approval

An employee may be appointed to serve regular appointed or temporarily in a higher class upon the recommendation of the Department Head and approval of the Human Resources Director, provided that the employee meets the eligibility requirements of such higher classification. A temporary promotional appointment shall not exceed one (1) year but may be extended upon approval by the Human Resources Director. Once the temporarily promoted employee is no longer performing the duties of the higher classification, the employee shall be returned to his/her former classification and position and to the salary at which he/she would have been entitled had he/she remained in the position. Any employee who was in the classified service immediately prior to working in an acting capacity or serving in an interim position shall retain such classified status upon return to his/her former classification and position.

V. Effect of Promotion on Compensation

Whenever an employee receives a temporary or regular appointed promotion, the employee's salary rate shall be adjusted upward by ten percent (10%) or to the minimum of the pay grade for the employee's new position, whichever is greater. A Department Head may request a salary adjustment above ten percent (10%) or the minimum of the pay grade when

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an employee who is promoted to a position in a professional, technical and scientific class possesses specialized training, skills, experience or an advanced or professional degree directly related to the work of the position. The Department Head's request is subject to both approval of the Human Resources Director and budget availability. The Human Resources Director may develop a systematic method to be used for placement of such employees within a pay range.

The Human Resources Department shall maintain copies of written requests for salary increases above ten percent (10%) or the minimum of the pay grade and the decisions regarding the same for a minimum of three (3) years.

PUBLIC SAFETY PHYSICALS

Number: 319 -18

I. Statement of Policy

As required by law enforcement/fire professional standards, regulations, and guidelines, Police Officers and Firefighters, must undergo a physical examination prior to employment/appointment and thereafter.

II. General Provisions Physical Examination

Medical exams will be consistent with Federal and State laws governing medical exams for respective public safety personnel and will adhere to law enforcement/fire professional standards, regulations, and guidelines. Physical examinations will be conducted by the designate physician(s). Findings of the City examining physician shall be final and conclusive.

The physician will provide exam results that state, "Fit for Duty" or "Not Fit for Duty" to the Department Head or his/her designee. If the employee receives a "Not Fit for Duty" from the physician, the employee will be advised by that physician of the corrective measures that are needed for a return to "Fit for Duty" status. If medical treatment is needed to correct the situation, the employee should contact his/her personal physician for treatment.

Every effort will be made to enable the employee to continue working while medical problems are being treated/corrected unless the medical condition poses a threat to the employee or could adversely affect the public due to the potential of the employee not being able to perform his/her public safety duties properly. All personnel will strictly adhere to the Federal Health Insurance and Portability Accountability Act (HIPAA) rules and regulations.

RECRUITMENT AND SELECTION

Number: 320 -18

I. Statement of the Policy

It is the policy of the City to recruit and select the best qualified applicants for employment with the City. All recruitment efforts and selection decisions will be made in accordance with the City's Equal Employment Opportunity and Diversity and Inclusion Policies. The Human Resources Director has the authority to implement a procedure to

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effectuate this policy.

II. Recruitment for Open Positions

For purposes of the Recruitment and Selection Policy, a position is deemed to be open when: (1) the position is a newly-created position with no incumbent, or (2) in the case of an established position, when a Department Head receives information that the position will be vacated by the incumbent on a particular date due to promotion, demotion, lateral transfer, retirement, voluntary or involuntary separation from employment, or other change in job status.

A. Open Positions

A Department Head may begin recruitment and selection procedures for an established, funded position immediately upon receiving notice that the position will be vacated by the incumbent on a particular date due to promotion, demotion, transfer, retirement, voluntary or involuntary separation from employment, or other change in job status unless the Department Head has obtained approval for creation of a parallel position pursuant to City policy.

To fill an open position, the Department Head must inform the Human Resources Director of the need to initiate the recruitment and selection process as set forth below.

B. Procedures

When a Department Head wishes to fill an open position, they may elect to first consider qualified employees on the Transfer List. If a Department Head elects not to consider an employee on the Transfer List and needs recruitment services, he or she will notify the Human Resources Director, in writing, of the open position by preparing a Recruitment Requisition, which will include the following information: job title, class, position number and type of recruitment needed.

Upon receiving a Recruitment Requisition, the Human Resources Director or his/her designee has the authority to immediately open recruitment for any vacant position. The Human Resources Department will partner with the Department Head concerned to prepare an appropriate written recruitment announcement. The announcement will then be published and distributed within appropriate departments of the City and to such other addresses and advertising media as may be deemed appropriate under the circumstances. If the recruitment is a promotional recruitment opportunity available only to employees of one department or a City-wide promotional recruitment, the publication and distribution of the announcement will be limited accordingly.

Announcements may provide for an application deadline or provide that the position will remain open for application until filled. Announcement will specify the position title, pay rate or pay range, essential duties, minimum qualifications, including any bona fide occupational requirements (including physical requirements), and other pertinent information.

Such announcements shall be posted for a minimum of three (3) business days or in accordance to the following guidelines:

- Administrative/Non-Supervisory 3 Days
- Supervisory/Mid-Level Manager 7 Days
- Manager/Director Level 10 Days
- Hard to Fill Positions open until filled

No position may be filled until recruitment has been conducted by the Human Resources Department, applications have been accepted, and a selection has been made by the Department Head. Although open positions may be filled pursuant to the Lateral Transfer Policy, any lateral transfer request received by the Human Resources Department after the announcement of a vacant position will only be approved after the completion of the recruitment process assuming no applicant was selected to fill the open vacant position.

Application and Selection

A. Employment Application

Applications for employment in any announced open position shall be submitted within the time limits specified in the applicable announcement by any person who meets the minimum qualifications, standards and requirements of the position as specified in the announcement. Acceptance of applications after the closing date may be approved by the Human Resources Director or his/her designee whenever sufficient reason(s) exist(s). Applications shall be made under oath on forms prescribed by the Human Resources Department and shall be completed in their entirety. An application must be completed to be eligible for employment with the City.

B. Minimum Qualifications

No applicant for employment may be offered a position with the City unless the applicant meets the minimum qualifications established for the position.

C. Lists and Certification

List of Eligible Applicants

A List of Eligible Applicants (LEA) will include applicants who meet the minimum qualifications for employment in an open position as determined by the Human Resources Department. Applicants will remain on the LEA for a specific position for six months, or two (2) years for public safety/law enforcement positions, counting from the date on which their eligibility was most recently established. A LEA will also include the following additional lists:

- Recall List
Regular appointed City employees, who were laid off due to unavoidable emergency reductions in force, i.e., lack of work, lack of funds, budgetary limitations, severe economic conditions, abolishment of positions due to reorganization or other similar valid reasons, as outlined by the City's Reorganization policy. Recall employees will remain on the Recall List for two 2) years, counting from the date of their separation from the City.
- Promotional List for Public Safety Departments
Regular appointed City employees who have established their promotional eligibility in accordance with laws and HR regulations and who are seeking promotional employment in public safety departments. Employees will remain on the Promotional

List for two (2) year, counting from the date on which eligibility was most recently established.

- **Reemployment List**

City former employees who left employment in good standing, with regular appointed status, and who apply for reemployment within six (6) months from the date of their most recent separation from a regular appointed position. Separated employees will remain on the Reemployment List for six (6) months, counting from the date of their separation from City.

Standing lists for a class, if any, must be exhausted before any additional recruitment may be conducted for that class.

Certification of Lists

The Human Resources Director or his/her designee is responsible for preparing and forwarding the List of Eligible Applicants (LEA) to the Department Head for consideration. For all applicants, except those listed on the Recall and Reemployment Lists, the Human Resources Director or his/her designee will provide the Department Head with job applications and other documents demonstrating each applicant's qualifications for the open position. For applicants appearing on the Recall and Reemployment Lists, the Human Resources Director will provide documents demonstrating each applicant's qualifications for the open position upon request by the Department Head. Prior to certifying and forwarding the LEA, the Human Resources Director or his/her designee must ensure that candidates on the list for a particular open position meet the minimum qualifications for that position.

Preparation and certification of LEA will be made without regard to and without identification of applicants' race, color, religion, national origin, gender (including pregnancy), age, disability, sexual orientation, gender identity, or any other basis protected by applicable law.

D. Interviews and Selection

Upon receipt of a List of Eligible Applicants (LEA), a Department Head shall review the qualifications of the candidates appearing on the List and send written invitation(s) for interview(s) to a sufficient number of name(s) listed thereon to allow for selection. The Human Resources Department will provide the Department Head with sample written interview invitations or prepare and send the interview invitations on behalf of the Department Head, if requested.

It is the responsibility of the Department Head to act promptly on the LEA furnished to them and to advise the Human Resources Director of their decisions and actions without undue delay.

Final hiring decisions and selection of eligible candidates from the LEA shall be made by the Department Head concerned. Upon selection of an acceptable candidate for appointment from the LEA, the Department Head shall submit the Request to Hire Form to the Human Resources Department indicating the name(s) of the candidate(s) selected.

Once an applicant is selected for employment, that applicant's name will be removed immediately from any existing LEA. However, the name of any applicant selected for appointment to a temporary position shall remain on the list and the applicant shall remain eligible for consideration for appointment to a regular appointed position.

E. Rejected Candidates

Candidates listed on a List of Eligible Applicants who were considered but not selected shall be appropriately dispositioned by the Department Head and the Human Resources Department notified.

III. Satisfaction of licensing and certification requirements

Offers for employment may be conditioned upon the candidate's ability to provide an official school transcript or a copy of any certification, permit or license that has been designated as required by the job announcement, prior to the first day of employment in the position.

As a condition of continued employment, all employees of the City must notify their respective Department Head and the Human Resources Director, in writing via hand delivery within five (5) calendar days, of receipt of any notice of denial, suspension, revocation, and/or non-renewal of any license, permit, registration, and/or certification where such is required for performance of their job duties with the City. Such notice of denial, suspension, revocation, and/or non-renewal may result from non-compliance with an order for child support as certified by a state agency and ordered by a court or for any other good and sufficient reason deemed necessary by the issuing authority.

IV. Post-Offer, Physical Examination and Health Screening Questionnaire

All candidates for public safety, law enforcement, and those candidates who are required to possess and maintain a valid Commercial Driver's License in order to perform their job duties, will be required, following acceptance of a conditional offer of employment with the City, to undergo a routine physical profile examination prior to employment, in accordance with agency professional standards, regulations, and guidelines, as well as Federal and State law.

The completed record of all post-offer physical profile examinations will be kept confidential and stored in a file maintained by the Human Resources Department separate and apart from an employee's regular personnel file.

V. Employment Eligibility Verification

The City is committed to complying with all immigration-related employment laws. The City will not knowingly or intentionally hire or continue to employ individuals who lack work authorization. Successful candidates will be required to establish eligibility for employment as set forth in the City's Employment Eligibility Verification Policy.

VI. Background Checks

Offers for employment may be conditioned upon successful completion of a background check as set forth in City's Criminal Background Check Policy. Background checks required by the City will fully comply with the requirements of the Fair Credit Reporting Act (FCRA). Unfavorable results on a background check will not automatically disqualify a candidate for employment with the City, unless mandated by law. Rather, the final decision will rest with the Department Head who will consider each case on its individual merits and circumstances.

VII. Employment of Relatives

Decisions regarding whether to employ an individual who is a relative of another City employee by blood or marriage will be made in accordance with the City's Employment of Relatives Policy.

VIII. Other Appointments

A. Temporary Pending Recruitment (TPR)

If no standing List of Eligible Applicants (LEA), excluding the Transfer List, exists for a given class, a Department Head may recommend to the Human Resources Director that an individual who possesses the required qualifications for such class be given a Temporary Appointment Pending Recruitment (TPR). Active recruitment should begin within thirty (30) days of the TPR Appointment. Such TPR Appointments normally will not exceed six (6) months, during which period, active recruitment for the position(s) shall be announced and conducted for the purpose of establishing a LEA. Any individual serving in a TPR status shall be eligible to apply and compete for a regular appointment in the specified class during such recruitment.

TPR Appointments may be extended with approval of the Human Resources Director. The time requirements regarding initiating recruitment and term of the appointment will be extended if there is no regular appointed Department Head over the particular position until such time a regular appointed Department Head is appointed.

Any regular appointed employee who is assigned by TPR to work in an acting or Interim capacity whereby he/she performs the duties of a vacant existing higher classification and position outside of his/her regular classification/position, shall receive a pay rate of at least the minimum pay rate for the applicable position effective immediately upon assignment. An employee's salary may be adjusted in accordance with Section V of the City's Promotions Policy procedures. An employee promoted via TPR must meet the eligibility requirements for the higher class as designated by the Human Resources Director.

A TPR appointment may be terminated at any time by the Department Head. For employees appointed to a promotional TPR assignment, upon completion of TPR appointment, an employee shall have the right to be returned to his/her former classification and position and revert to his/her previous pay grade and to the salary at which he/she would have been entitled had he/she remained in the position including any pay rate increases which would have accrued. Any employee who was in the classified service immediately prior to working in an acting capacity or serving in an interim position via TPR appointment shall retain such classified status upon return to his/her former classification and position. If an employee in a TPR appointment commits an act that warrants termination based on the determination of the Department Head, and is terminated for such act, the employee will lose any right to return to their prior position.

REORGANIZATION

Number: 321 -18

I. Statement of the Policy

As a public agency, the City has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf. The City, therefore, encourages the City Manager and Department Head to routinely review departmental operations to determine whether there are performance gaps or opportunities for improvement - such as increasing operational efficiency, reducing costs or making City government more customer-friendly. Sometimes improvements require changing the organizational structure of a unit, program or division and/or the elimination, addition or redistribution of job functions within a department. It is the policy of the City to have any changes to the organizational structure of departments

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centrally reviewed and approved by the City Manager prior to implementation.

A reorganization is the restructuring of departmental operations. A reorganization may occur for various reasons including, but not limited to, the following:

- To improve operational efficiency
- To reduce costs or for other budgetary reasons
- The merger, repositioning or realignment of business units
- To meet the strategic needs of the City or department
- To provide a better service model
- The addition or loss of grant funds
- The addition or termination of a program or service
- A significant change in technology

The structure of the City has a profound effect on the delivery and funding of services. Accordingly, the City adopts this policy to formally outline the process for the preparation, coordination, review, approval and implementation of changes to the organizational structures of City departments.

The provisions of this policy are intended to ensure a thoughtful and thorough analysis of workforce demands, financial resources and the needs of the City residents prior to the implementation of any departmental reorganization.

The City Manager and Department Head must consider the concerns of and impact on employees, employee unions, other departments, vendors, citizens and any related stakeholders while developing reorganization proposals. In addition, because reorganizations impact classifications and employees, Department Heads are required to work in conjunction with the Human Resources Department and other key stakeholders, as applicable, to ensure all personnel matters are processed and handled in accordance with Federal and State law and City policies and procedures. A reorganization shall become effective the first pay period following approval by the City Manager or the requested effective date, whichever is later.

This policy is not to be used to eliminate specific personnel or as a substitute to disciplinary policies or procedures. While department reorganization may result in the reclassification of and/or other changes to an existing position(s) or the creation of new positions; this process should not be used to request for individual reclassification. Individual reclassification requests occur pursuant to the Positions and Compensation Policy and Procedure when the established classification of an incumbent employee's current position is changed due to significant and permanent changes in the assigned responsibilities as the result of long-term adjustments to work assignments. If following implementation of a reorganization, there are any employees that have been displaced or declared excess or surplus to the needs of the department, the City Manager will seek approval of the Mayor and Council to separate those employees via a reduction in force.

II. Background and Applicability

This policy and procedure shall apply to any change in the organizational structure of an existing unit, section, program or division within a department, which results in the realignment of existing supervisory, managerial or other reporting relationships and/or the elimination, addition or redistribution of functions.

III. Definitions

Reorganization is defined as a management-initiated rearrangement of duties and

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responsibilities or of reporting relationships of multiple positions within or between a department's organizational units.

IV. Procedures

A reorganization is a management-initiated rearrangement, or restructuring, of duties, responsibilities and/or of reporting relationships of multiple positions within or between a department's organizational units. The City Manager may authorize the reorganization of any department but must inform the Mayor and Council thirty (30) days prior to the effective date of any reorganization that may lead to a reduction in force. No Department Head may reorganize their department without prior written approval from the City Manager; however, neither the elimination nor the addition of a single division, program or unit within a department shall constitute a reorganization for purposes of this policy and procedure.

Reorganization requests should be submitted far enough in advance (typically 90-180 days) of an estimated effective date to provide sufficient time for a complete and thorough review and analysis by the City Manager, Finance Department and Human Resources Department. The effective date of the reorganization will be determined by the complexity of the reorganization request, the volume of the changes requested, and the time needed for thorough analysis of the reorganization request. To the extent a reorganization will require the establishment of a new accounting or budget set up, reorganization plans should be developed in concert with the fiscal year budget whenever feasible.

A. Submission of Reorganization Requests to the City Manager

A Department Head formally initiates the reorganization process by preparing and submitting a reorganization plan to the City Manager. The reorganization plan is a detailed description of all changes to the organizational structure of the department that will result from the reorganization. Examples of the changes that may occur include change(s) in reporting relationships; creation of new positions; reallocation of existing vacant positions; and/or reclassification of multiple positions in conjunction with other actions, i.e. reclassification upward, title change, reclassification downward.

The Reorganization Plan must include the following:

1. A clear explanation of each proposed change, including the need for the change. This is the most important part of the Reorganization Plan. It should identify simple, clear reasons for the proposed organizational changes. If the reorganization is in part due to a federal program change, a change in law, or any other legal basis, that legal authority should be referenced and attached. The Department Head should also describe the operational impact should the reorganization request not be approved.
2. A description of the budget and fiscal impact of the proposed changes include specification of the effects of the reorganization on the budget of each affected organizational division, unit or program, as applicable. It must include an estimate of any reduction or increase in expenditures expected to result from the reorganization.
3. An explanation of how the proposed changes will support, benefit or otherwise add value to the department, unit or program's objectives and mission including a description of any improvements in operational efficiency and/or service delivery expected to result from the reorganization.

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4. A personnel impact summary that provides an explanation of the impact the reorganization has relating to the personnel of each affected organizational unit including, but not limited to, the number of employees that will be transferred and/or subject to placement or layoff, new positions and reclassifications.
5. Current and proposed organization charts for each unit, division, program or section affected by the reorganization. Employee names should not be shown on the charts; however, the Department Head should use position numbers on the organization charts that are being reclassified so that they can be easily identified.
6. A proposed implementation date for the reorganization to be determined by the complexity of the reorganization, volume of the changes requested, and time needed for thorough analysis of the request.
7. A plan for how to communicate and share information about the proposed reorganization with department employees throughout each step of the reorganization process.
8. A plan for filling positions in the new structure. Options include lateral reassignments and/or full recruitments for all new positions. (Note: Department Head should consult with the Human Resources Department regarding filling positions within the new organizational structure.)

Requests for reorganization must include all of the items identified above. Incomplete requests will be returned to the department. Submission of an incomplete request may delay review of the request.

B. Development of a Communication Plan.

Developing and implementing an effective communication plan will assist in keeping employees engaged and productive during organizational changes. Department Heads should consider identifying a point person for coordinating information needs for all involved and impacted. Development of the communication plan should involve the following:

- Identification of the groups the department will need to communicate with throughout the implementation.
- Determination of who will draft communications, the method of delivery (in-person, e-mails, memoranda, etc.) and the timing of the communication.
- Determination of whether a departmental intranet site is an appropriate tool in the reorganization plan.
- Determine if a meeting with employee unions is necessary and coordinate through the HR Department.
- Development of a preliminary schedule of informational meetings with staff.
- Inclusion of regular meetings, in coordination with the Communications and External Affairs Department, that will provide feedback from management, staff and client groups.

The Department Head should facilitate ongoing communication with staff by remaining

open and listening to employee suggestions and concerns.

V. Responsibilities

The specific responsibilities under this policy are assigned to City departments and agencies as specified below:

A. The Department Head Requesting the Reorganization

1. The Department Head requesting the reorganization shall analyze current processes to determine whether existing functions and organizational structures are meeting department and/or City objectives. This process may include any of the following:
 - Reviewing department programs and processes to determine if organization structures are enabling or hindering successful operations and identifying areas for improvement
 - Collecting data to identify gaps between the actual vs. desired performance of the department, unit or program
 - Identifying opportunities for cost reduction, improved efficiency and/or increased effectiveness including elimination of processes and functions that do not further the department's, unit's or program's vision, mission or objectives.
2. Meet with key stakeholders of the department, including managers and customers, to determine their expectations for the services and programs the department provides.
3. Assemble an analysis and planning committee that, ideally includes:
 - Key department managers
 - Representatives from other departments who are involved in or impacted by the department's business process
 - A Human Resources representative
 - City Manager or designee
4. Determine if a different organizational structure is needed to support improved business processes, to support customer needs, to meet program, unit, department or City goals and/or to achieve desired outcomes.
5. Identify a new structure or model that will support departmental goals, including distribution of functions throughout the department, unit or program (definition of functions to be performed, groupings of functions, and the relationships among functions)
6. Prepare position description questionnaires (PDQs) that convey the changes in duties and responsibilities for each position affected by their organization.
7. Development of the Reorganization Plan.
8. Collaborate with the HR on the development of a class specification for any new classifications established as a result of the reorganization.
9. Develop an ongoing communication plan, including:
 - Identifying the different groups who will need communication and the messages/information each group will need
 - Determining a schedule for informational meetings with staff
 - Planning communications outside the department to announce the reorganization and articulate the reasons for the change to stakeholders
 - Setting up individual meetings with employees who may be impacted by a

reduction in force and employees whose jobs will change significantly as a result of the reorganization.

10. Consider how the changes will affect employees and plan for transitions, including the following:
 - Determination of the skills needed for any new positions
 - Assessment of the skills, knowledge and experience of current department staff including potential and readiness for new assignments
 - Comparison of current employee skill sets with what is needed for new positions
 - Determination of training needs to prepare staff for new positions
11. Design, implement and/or coordinate any training needed to prepare staff for new positions.
12. The Department Head, in consultation with the Human Resources Department, shall prepare a spreadsheet with the names of every employee in the current organizational structure and for each employee, indicate:
 - Job title
 - Date of hire
 - How the employee will be affected by the structural changes, e.g., job will be eliminated, etc.
 - Physical location
 - Gender, ethnicity, age (for evaluation of adverse impact)
 - Supervisor
13. The Department Head shall prepare a spreadsheet for all new positions in the new organizational structure and indicate:
 - Job title
 - New supervisor
 - Physical location
14. The Department Head shall prepare a timeline, which may be updated as needed, with dates for:
 - Communicating with managers, supervisors and staff at critical points during the reorganization
 - Notifying employees who will be affected by the intended changes
 - Meeting with those affected. Notably, multiple meetings with managers and staff may be needed.
 - Executing the recruitment plan to advertise new positions or initiate new assignments
 - Providing progress reports/updates to the program, unit or department
 - Initiating Reduction in Force (RIF) activity if needed, including detailed transition plans for each affected employee
 - Completing RIF activities, if needed
 - Training existing staff, if needed
 - Identifying the length of the transition period for each function

- Launching of new services, programs, or units, if applicable
15. Submit reclassification requests to HR. Once the reorganization has been approved by the City Manager, the department may submit any reclassification requests/actions associated with the reorganization to the HR. Reclassification requests/actions that are submitted to the HR without the required City Manager approval will be returned to the department.

B. Human Resources Department

1. Provide technical assistance, throughout the development and implementation stages, on the personnel impact of reorganization changes. Prior to submitting its reorganization plan to the City Manager, the requesting department should contact the HR department for an initial consultation relative to the proposed reorganization. HR shall review the reorganization plan for the technical aspects of human resource management and provide its recommendations to the City Manager.
2. Provide classification assistance, including an assessment and recommendation to the Department Head, regarding the appropriate salary grade level and classification to be assigned to positions based on described duties and responsibilities. Factors that will be considered in determining the appropriate classification for a position include, but are not limited to:
 - a. Nature of the duties and responsibilities of the position including scope, level and complexity
 - b. Relationship of the position to other positions in the department
 - c. Level of supervision given and/or received
 - d. Exercise of independent judgment
 - e. Autonomy and authority related to decision-making and accountability

C. Finance Department

1. Provide guidance to reorganizing department regarding budget levels and other funding matters
2. Identify potential changes to the department's accounting/budget structure
3. Provide budgetary analysis to City Manager and reorganizing department regarding proposed organizational changes

D. City Attorney (as applicable)

1. Provide opinion and other guidance with respect to the legal implications of proposed organizational changes and plan.

SICK LEAVE ABUSE AND PREVENTION

Number: 322 -18

I. Sick Leave Abuse Prevention & Investigation Procedures

A. Responsible Use of Sick Leave

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

Sick leave is a benefit. It is in the employee's best interest to manage their sick leave usage appropriately. It is a common misconception that just because an employee has a certain amount of sick leave hours accrued, the employee has the right to take those hours for any reason.

Sick leave can only be used for specific reasons specified in this procedure, including doctor's appointments, dental visits, and absences due to illness or injury for employees and their legal dependents. Employees are encouraged to carefully consider their use of sick leave. Failure to have sufficient sick leave hours may result in unpaid leave. Employees are prohibited from engaging in outside employment while they are on sick leave.

The HR Director or his or her designee is authorized to investigate an employee's record of sick leave or emergency leave (collectively referred to as sick leave) usage when the employee has either a low sick leave balance or seems to have established a pattern of usage.

B. Investigation of Potential Sick Leave Abuse

Reasons and circumstances to inquire into or investigate sick leave use may include, but are not limited to, the following:

1. Habitual use of sick leave in single or partial day increments, without valid or current medical documentation
2. Sick leave consistently taken on Monday, Thursday (four-day work week) or Friday (five-day work week)
3. A pattern of using sick leave on the last scheduled work day before or first scheduled work day after a City holiday or a scheduled day off
4. A pattern of using sick leave to avoid working overtime or holiday work shifts
5. Sick leave consistently taken the same time of year
6. Sick leave taken after a vacation request was denied
7. Sick leave consistently taken when difficult assignments or projects are scheduled or due
8. Sick leave taken after discipline for a performance matter is issued
9. Sick leave consistently taken when supervisor is on vacation
10. Using 40 or more hours of unplanned sick leave during a quarter of a calendar year for two (2) or more consecutive quarters, without providing any medical documentation to support the absences

Investigation Procedures:

1. The Department Head or designee with the responsibility of granting sick leave will monitor sick leave usage and identify any detectable patterns or concerns related to sick leave usage. If concerns are identified, the matter will be referred to the HR Director for further investigation.
2. The HR Director will review the patterns or concerns related to sick leave usage identified by the Department Head. Any known mitigating circumstances will be identified. Mitigating factors include, but are not limited to, leave taken under FMLA, medical/dental procedures or miscoded hours.
3. As appropriate, the HR Director may initiate an investigation or inquiry into the use of sick leave, which may include a discussion with the employee.
4. After the investigation, the HR Director will determine if there is reason to believe that

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the employee is abusing or misusing their sick leave accrual benefits.

5. If an abuse of sick leave is confirmed by the investigation, the employee will be informed, in writing, of the patterns and specific concerns identified. The employee may be required to provide medical documentation for any subsequent use of sick leave, for a determined period of time. The employee will be advised that his or her sick leave usage will continue to be monitored, and that continued absences that are not properly excused or protected may result in disciplinary action up to and including termination.
6. If there is no evidence that the sick leave is being abused, the employee will be informed.

SUBSTANCE ABUSE AND DRUG AND ALCOHOL TESTING

Number: 323 -18

I. Statement of Policy

As a Drug Free Workplace, the City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the City does not, and will not, tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing, or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the City and/or while using, occupying, performing, or engaging in any activity on City property and facilities.

The City further expresses its intent, through this policy, to comply with federal, state and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

II. Application

This policy applies to all City employees (whether regular appointed, part-time, seasonal, or temporary), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

III. Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy the following definitions apply:

a. Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

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b. City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of South Fulton, or its officials, managers, supervisors, employees, or other agents. This definition includes locations other than City offices, including all other locations of City-sponsored recreational, social, or educational events, and any place where a City of South Fulton employee is located while traveling to or from such location in the course and scope of his/her duties on behalf of the City, including an employee's personal vehicle when the employee is using it on City business, or when the vehicle is parked on City property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent, or criminal acts of any person whom it employs when such person is not acting pursuant to a City supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of South Fulton or its officials or employees might have under Federal, State, or local laws or ordinances.

c. Controlled Substances

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, look-alikes, designer drugs having the same or similar psychotropic effects, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or any other substances that are mood- altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self- awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urine aids or other substances, natural or synthetic, of a similar nature or purposedesigned or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

d. Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

e. Legally Obtained Drug

This includes prescription drugs and over-the-counter medications.

f. Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

g. Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

h. Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular City employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee or employee's property issued by the City, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

i. Safety-Sensitive Positions “applicable employee”

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, detainees, or others.

Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with detained persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of, or the testing of illegal drugs that have been seized by, confiscated by, or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery, or heavy equipment; (10) require the holding of a commercial driver's license (CDL); and (11) require or involve performing duties which directly affect public health or safety.

IV. Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior while performing City business, while on City property, while on customer property performing City business, while in use of City property, or while operating or riding in a City vehicle and/or conducting City business:

- (a) The use or consumption of illegal drugs, controlled substances, and/or alcohol
- (b) The possession of illegal drugs, controlled substances, and/or alcohol
- (c) The abuse of prescription medications and over-the-counter medications
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol at or above the zero tolerance level of 0.02%.
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol

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- (f) The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

V. Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing City business, while on City property, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

- a) City employees must not be on the job, on call, on City property, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business, while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is unfit for duty if the employee's use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.
- b) A City employee who is using legally obtained drugs must notify his/her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may impact the employee's performance, alertness, or create an unsafe situation. An employee's failure to notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to impact the employee's performance, alertness, or create an unsafe situation.
- c) City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties. Should an employee move to another position requiring different duties while using legally obtained drugs on the job, it is the employee's responsibility to notify the prescribing physician of the new position and duties and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her new duties.
- d) Any prescription medication brought onto City or customer property, or taken aboard City vehicles, must be retained in its original container labeled with the names of the employee and the prescribing physician.
- e) No City employee may take another person's medication.

VI. When Drug Testing is Required

A. Job Applicants

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All applicants for regular appointed, part-time, seasonal, and temporary positions seeking employment will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained (unless otherwise permitted by the City Manager).

City employees who are transferred, reclassified, promoted, or demoted from a non-safety-sensitive position into a safety-sensitive position will be tested for drugs before performing any job duties in the new position.

B. Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used illegal or misused legal drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence and shall seek confirmation of the observations from the HR Director before transporting the employee for testing.

A reasonable suspicion test may be required based upon, but not limited to, the following:

1. The personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the supervisor creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy.
2. Personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. Observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City.
4. Information from a law enforcement agency received by the City.
5. Specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident and/or involving the use of motorized equipment, heavy machinery, or heavy equipment. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. The appearance, behavior, speech, or odor of the City employee immediately prior to or after the accident
 - b. The City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so
 - c. The City employee acted contrary to a safety rule, established safety practice, or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation
 - d. The City employee was arrested or received a traffic citation
 - e. The City employee or any person received medical attention because of the accident
 - f. The City employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents, whether or not they involved

- actual or potential injury.
6. Additionally, any supervisor who has not participated in Reasonable Suspicion training may require a reasonable suspicion test(s) for drugs or alcohol when a supervisor who has participated in Reasonable Suspicion training or the HR Director and/or Risk Manager has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

C. Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee, while in the performance of City business, is the apparent cause of an accident/injury that results in required immediate medical treatment of himself/herself or medical treatment of another injured person.

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City business, is the apparent cause of an accident that results in (1) a fatality; (2) a citation issued to the City employee (3) an injured person requiring immediate medical treatment (4) damage to City property (5) damage to any other property.

Alcohol and drug test(s) required after any of the above accidents shall be completed within six (6) hours or less of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing or be subject to disciplinary action, up to and including termination.

D. Random Testing

All City employees holding safety-sensitive positions will be subject to random drug testing, as listed below. Note: Law Enforcement and Fire Rescue are authorized to establish procedures as applicable for agency professional standards, regulations, and guidelines:

1. Tests will be ordered on a random, unannounced basis from the pool of identified City employees holding safety-sensitive positions.
2. A computerized random selection method and test rates as adopted by the HR Director and Risk Manager will be used to select City employees, thereby allowing each City employee an equal chance of being tested each quarter. Random selection test rates are subject to change as determined by the Human Resources Director.
3. A City employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a City employee holding a safety-sensitive position who is randomly selected for testing may be randomly selected again during the same year.
4. Human Resources will notify the supervisor or Department Head when an employee has been selected through the random process. The employee will report to the testing facility taking with them the authorization form and a photo ID. The supervisor or Department Head is not to inform the employee that he/she has been chosen for the test until immediately prior to the time the employee is given his/her notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has

produced a non-negative sample, the employee will be placed on administrative leave without pay pending the confirmation of the results. If the employee has a confirmed positive sample, Human Resources will contact the appropriate Department Head with the results.

6. All information received by the City of South Fulton, as a result of any testing procedure, is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the City's defense in any such action or proceedings.

E. After-Care Testing

Employees returning to work from an approved treatment program for drug or alcohol abuse, after direct referral to EAP (Section X of this policy) may be subject to unannounced testing at the discretion of the Human Resources Director for a period of one (1) year following the City employee's return to work.

F. Return to Duty Testing

All City employees in safety-sensitive positions who are absent from work for more than thirty (30) days, for any reason, or following any Workers' Compensation leave, medical leave, or short-term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.

VII. Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. If it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis. The City has a zero-tolerance testing level of 0.02% or higher.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of non-negative tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
- (c) All non-negative test results for drugs will be interpreted by a physician approved by the City as a Medical Review Officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the non-negative test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the non-negative test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or City employee before providing test results to the City will not void the test results or make the test

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results unusable in any subsequent disciplinary action. An applicant or City employee who fails to respond to an inquiry by the MRO within forty- eight (48) hours of such inquiry shall have waived his/her opportunity to offer an alternative medical explanation for the non-negative result or to request confirmation testing. Because the City employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. A MRO will not be used when a blood test for alcohol is conducted.

- (d) Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense. If the test conducted by the laboratory is negative for the presence of drugs, a third test may be made at the City's sole expense. The results of the third test will be determinative. If the results from the third test are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any City employee ordered to be tested based upon reasonable suspicion shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself/herself home. The City employee shall be placed on administrative leave with pay pending the results of the test and any confirmation tests, if applicable.

If a non-negative test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated.

VIII. Investigation of Prohibited Drug and Alcohol Use and Searches

All City-issued, City-owned, or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property, and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities.

The City also reserves the right to conduct searches on City property of City employees and/or their personal property when, in the City's view, there is a reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including termination.

(a) Consent for Testing

In accordance with this manual, all City employees and job applicants give consent to any and all frequency of drug and/or alcohol test(s) set forth in

this policy and permitting the release of test results to the City and/or the MRO. Employees must sign consent forms with the approved laboratory and/or medical facility and shall be kept on file by the Human Resources Department.

(b) Refusals to Undergo Testing

The City has a Zero Tolerance Policy regarding test refusals. As such, any applicable City employee so refusing to immediately proceed as directed will be subject to disciplinary action, which action may include termination from employment.

Other actions that constitute a test refusal occur when an applicable City employee:

1. Fails to appear for any test within a reasonable time, as determined by the City, after being directed to do so by the City
2. Fails to remain at the testing site until the testing process is complete
3. Fails to provide a urine, breath, saliva, hair, or blood specimen for any drug or alcohol test required
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
6. Fails or declines to take a second test the City or collector has directed the City employee to take
7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process
8. Fails to cooperate with any part of the testing process, e.g., refuses to empty pockets when so directed by the collector, tampers with any element of the testing process, behaves in a confrontational or obstructive way that disrupts the collection process, refuses to be escorted to the designated collection site when so directed, or is physically absent resulting in the inability to conduct testing
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits by the Department of Labor.
10. City employees who refuse to submit to a test or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for Workers' Compensation benefits.

G. Training Requirements

Each year, all employees are required to receive one (1) hour of Drug Free Workplace Training. New hires are required to receive. The two-hour requirement for new hires is based on a rolling calendar from their date of hire. Supervisors are required to complete two hours of Drug Free Workplace Training. The human resources department will make the training available for employees.

H. Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and will be subject to severe disciplinary action, up to and including termination. The confidentiality of such information shall not apply to any use by or

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communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any Federal, State, or local law, statute, ordinance, or regulation.

IX. Discipline for Violations of Policy

Immediate Removal from Duty

A City employee who tests non-negative for drugs or alcohol shall immediately be relieved from duty, placed on administrative leave with pay, and sent home pending disciplinary action. If the non-negative test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated.

Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire.

Immediate Termination

The following reasons shall result in immediate termination of a City employee:

- a. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City business
- b. Operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol
- c. Conviction for violation of any drug law
- d. Refusing to consent to or to take a drug or alcohol test pursuant to this policy
- e. Failure to appear at the designated collection site to take a drug or alcohol test when so directed
- f. A confirmed positive test for drugs or alcohol

X. Employee Assistance Program (EAP)

The City cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The City will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all City employees and their immediate family members, offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard the employee's privacy and rights. Information given to the EAP counselor may be released only if requested by the employee in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

In certain situations, City management may make a direct referral to the EAP. The following information will be made available to the HR Director when management makes a directed referral:

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- The City employee kept or did not keep the appointment with the EAP counselor
- A referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the City employee
- The City employee did or did not complete the EAP recommended treatment/assistance.
- A City employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary action.

There is no cost for City employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let City employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the City employee.

City employees desiring assistance or consultation through the EAP are encouraged to contact the EAP directly or Human Resources for further information regarding an EAP counselor.

TELECOMMUTING

Number: 324 -18

I. Statement of the Policy

The City supports programs and activities that complement the use of public and group transportation and embrace the goal of improving the quality of life for City employees and citizens. Accordingly, the City supports telecommuting as a viable workplace alternative to a traditional workplace and as a means of reducing overhead costs and improving the environment. The City will actively support telecommuting when it is reasonable and practical to do so and where operational needs will not be adversely affected.

Telecommuting is a cooperative arrangement between the City and an employee, based on the needs of the job, work group, and the City. Telecommuting is a privilege. The City has the right to deny the telecommuting option to individual employees and to review, modify or terminate a telecommuting arrangement at any time, for any reason or no reason at all.

II. Background and Applicability

This policy applies only to exempt employees in all departments, unless otherwise required by applicable law.

III. Telecommuting Defined

Telecommuting is working at home or at other off-site locations that are linked electronically (via computer, fax, etc.) to a central office or principal place of employment. Telecommuting does not include instances where a supervisor occasionally allows an employee to work at home on a temporary, irregular basis.

IV. Eligibility Guidelines

Telecommuting is normally reserved for employees in exempt positions, since non-exempt positions require careful tracking of time worked to ensure that overtime policies are

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properly observed. Telecommuting is more challenging for non-exempt employees due to record keeping requirements that require recording of each workday showing when the employee begins and ends the workday as well as meal and break periods.

Management will consider several criteria when determining if an employee will be permitted to telecommute, including proven ability to perform, high job knowledge, ability to establish clear objectives, flexibility, ability to work independently, and dependability.

Management will also consider several criteria when determining if the nature of an employee's work lends itself to telecommuting, such as whether the job entails working alone or with equipment that can be kept at the alternative job site, whether the job has clearly defined tasks and objectives, whether the job is flexible, and whether the job has measurable work activities.

All requests should be treated equitably, regardless of the employee's reason for making the request. The following guidelines are applicable:

- In any work arrangement, employees will be expected to meet the same performance standards as otherwise required, and supervisors/managers will be expected to use the same performance review criteria that were previously applicable.
- Employees who propose a telecommuting agreement should ensure a safe and suitable workspace that is appropriately confidential and free of distractions and interruptions that may interfere with work. Where applicable, telecommuters will need to find ways to maintain a distinct separation between work activities and personal activities.
- All telecommuting work arrangements are subject to ongoing review and may be terminated at any time, by either party.
- All terms and conditions of employment with the City, e.g. duties, responsibilities, benefits, salary, etc., remain unchanged as a result of the telecommuting arrangement.

V. Telecommuting Agreement

Any employee eligible for a telecommuting arrangement will be required to sign a Telecommuting Agreement prior to beginning remote work. A Telecommuting Agreement is not a contract of employment. Either the employee or the City may terminate the employment relationship at any time with or without notice and/or cause, unless stated in HR policies and procedures. Any violation of the City's telecommuting policy or the individual Telecommuting Agreement may result in removal of the employee from the teleworking program and/or may result in other disciplinary action up to and including termination.

If the Telecommuting Agreement is terminated, employees are required to promptly return to the regular City workplace and schedule within four (4) working days. If they elect not to return as requested, and do not report to work within four (4) working days, they will be subject to disciplinary action and/or be considered to have voluntarily terminated their employment.

The City will not be held responsible for costs, damages, liabilities, or losses incurred by the teleworker resulting from or arising out of the Telecommuting Agreement.

VI. Americans with Disabilities Act

The City may consider telecommuting as a type of reasonable accommodation under the Americans with Disability Act (ADA) for qualified employees with disabilities. Consideration shall be made on a case-by-case basis and between the employee, the

Department Head and HR or designee in order to determine whether telecommuting may be a reasonable accommodation that would allow the employee to perform the essential duties of their job position. Regardless of whether a telecommuting arrangement is provided as a reasonable accommodation, all other criteria applicable to this policy will apply.

VII. Responsibilities

A. Department Head/Manager or Supervisor:

1. Determine whether the employee is a good candidate for telecommuting. Consider factors such as, but not limited to, satisfactory performance and the ability to work independently.
2. Determine, with HR, that the nature of work is suitable for performance from a remote site, e.g., need for confidentiality.
3. Evaluate and consider how the proposed arrangement will impact other employees or the department as a whole.
4. Approve City equipment for use at remote location.

B. Employee:

1. Ensure that City equipment and records in the off-site workspace are maintained in safe and secure conditions and are used primarily for City business.
2. Ensure City records are available to the department when requested. Employee should consult with department management to clarify any system back-up requirements if work is saved on a system other than the department's server.
3. Alert the Department Head if external circumstances are likely to interfere with performance under the telecommuting arrangement.
4. Ensure that customer/organizational needs take precedence over the telecommuting schedule.

C. Employee and Supervisor:

1. Provide time recording systems to record telecommuting hours
2. Determine how work will be assigned and performance measured
3. Determine the working hours on telecommuting days
4. Prevent the arrangement from burdening the employee's co-workers
5. Ensure that the employee is readily available, and has adequate means of communication during specific working hours
6. Arrange for the employee to come to the primary work site when necessary, regardless of the telecommuting schedule

D. Information Systems Technology (IT) Department:

IT will confer with departments to coordinate necessary equipment for telecommuting activities.

I. Statement of the Policy

The City recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees.

Therefore, it shall be the policy of City to provide time off—both paid and unpaid—to eligible employees for the following purposes:

Holidays	Vacation	Sick	Emergency/ Breavement
Injury	FMLA	Military	Official
Leave Without Pay	Court (Jury and Witness Duty)	Voting	Parental
	Volunteer Activity	Administrative	

II. Definitions

Vacation Leave is paid time off provided to eligible employees to rest or engage in recreational or other personal activities.

Sick Leave entitles an eligible employee to receive his or her regular rate of pay during absences related to or resulting from the employee and employee's dependent's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties or the employee's receipt of medical or dental care or consultation.

Military Leave is an authorized absence from work that may be taken when an employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service.

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Bereavement Leave is an authorized absence from work due to a life-threatening illness or death in an employee's immediate family.

Injury Leave is an authorized absence from work resulting from an employment related injury that has been designated a catastrophic injury pursuant to State Worker's Compensation Law.

Family and Medical Leave is an authorized absence from work provided to eligible employees for specified family and medical reasons in accordance with Federal law.

Leave Without Pay is an approved unpaid absence from work.

Court Leave is paid time off provided to employees who are called for jury duty or who are subpoenaed to appear, attend, testify or otherwise participate in any court, administrative or other legal proceedings as a witness except when an employee is a party in a personal lawsuit or other legal proceeding.

Voting Leave is paid time off provided to employees to vote in state, national, and local elections.

Parental Leave is paid time off provided to eligible employees who become parents through birth, adoption or foster care placement.

Volunteer Activity Leave is paid time off from work provided to employees to participate in school or community volunteer activities.

Administrative Leave is an authorized absence from duty without loss of pay or charge to accrued leave.

General Leave of Absence- is a leave of absence in the event of temporary disability or a personal hardship or emergency, when the employee is not eligible for FMLA. Employee may use accrued leave (comp vacation, and sick) in that order, while on general leave of absence.

III. Categories of Leave

A. Holidays

(1) Holiday Pay

Regular appointed employees whose normal scheduled work day falls on a City holiday, but who are not required to work on a holiday, will receive eight hours (or shift equivalent to a maximum of 12 hours) of regular pay.

When an employee's officially scheduled "off day" falls on a City holiday, the employee will be granted eight (8) hours (or shift equivalent to a maximum of 12 hours) of regular pay.

An employee that is normally scheduled to work on a City holiday and requests to take the time off will be considered to have observed the holiday and will not accrue holiday time.

To be eligible for holiday pay, an employee must have been in a pay status on the

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employee's regularly scheduled work days immediately before and immediately after the holiday. "Pay status" is defined as either working on the regularly scheduled work day or being on approved paid leave.

(2) Compensation for employees required to work holidays

Nothing in this policy prohibits any Department Head from requiring the services of any number of employees in their respective departments to work on any given holiday when needed for City operations. Employees who work on a City holiday will receive their regular rate of pay for all hours worked. In addition, any employee who works on a City holiday will receive holiday pay equivalent to their scheduled day not to exceed a maximum of 12 hours. Holiday pay will be paid in the pay period it occurs.

(3) Employees on Leave of Absence

Employees who are on a continuous unpaid leave of absence are not eligible to receive holiday pay.

B. Vacation

(1) Eligibility and Accrual

Earned vacation leave may be authorized for all regular appointed employees. Eligible employees earn and accrue vacation leave based upon active creditable service, at the rates specified below. Vacation leave does not accrue during unpaid leaves of absence or other periods of inactive service.

The City encourages a work-life balance; therefore, vacation leave may be accumulated to a maximum number of hours. Vacation hours earned beyond the maximum allowed shall be forfeited at the end of the calendar year. Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their vacation accrual prorated accordingly, based upon the actual number of hours to be paid during that payperiod.

Vacation Accrual Rates

Years of Active Creditable Service	80 Hour Employee	84 Hour Employee	106 Hour Employee
Hire - 3 years	4.37 hours per pay period	4.54 hours per pay period	6.55 hours per pay period
3 – 8 years	5.33 hours per pay period	5.53 hours per pay period	8.18 hours per pay period
8 years and over	6.28 hours per pay period	6.52 hours per pay period	9.42 hours per pay period
Maximum Accrual	240 hours (six weeks)	252 hours (six weeks)	318 hours (six weeks)

(2) Taking Vacation

Earned vacation leave may be taken upon approval by an employee's Department Head or designated supervisor and may be used for rest, relaxation, or engagement in recreational activities and/or other personal interests, including educational pursuits or to run for Public Office. Employees may take vacation in one-hour increments.

Vacation time off will be granted at the convenience of the employee, whenever possible; provided, however, that primary consideration must be given to the maintenance of adequate staff to perform required services at all times. Employees should direct all requests for use of vacation time to their immediate supervisor.

Any vacation time requested by an employee and approved by the Department Head will be charged against accrued compensatory leave balances, if available, before any accrued vacation leave balances are charged.

Department Heads have the discretion to adopt supplemental procedures regarding the scheduling of Vacation Leave to address issues that are not included in this procedure, including prohibiting employees from using earned vacation leave until they have worked some minimum amount of time in a regular appointed position.

(3) Vacation Pay

Employees will receive pay for earned vacation at their regular rate of pay at the time the vacation is taken. Time taken as vacation is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work period.

Unused vacation benefits will be paid upon termination of employment up to the maximum set forth in this policy. Such vacation benefits will be paid at the employee's regular rate of pay at the time of termination of employment. For employees on FMLA, vacation leave will run concurrently with FMLA leave consistent with the applicable rules of this policy and the FMLA policy.

C. Sick Leave

(1) Eligibility and Accrual

Earned sick leave may be authorized for all regular appointed employees including Department Head, except those who may be specifically exempt. Eligible employees earn and accrue sick leave at the rates specified below. Sick hours earned beyond the maximum allowed shall be forfeited. Sick leave does not accrue during unpaid leaves of absence or other periods of inactive service.

Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their sick leave accrual prorated, based upon the actual number of hours to be paid during that pay period.

Sick Leave Accrual Rates

	80 Hour Employee	84 Hour Employee	106 Hour Employee
	3.42 hours per pay period	3.55 hours per pay period	5.33 hours per pay period
Maximum Accrual	480 hours (12 weeks)	504 hours (12 weeks)	636 hours (12 weeks)

(2) Taking Sick Leave

Upon approval, an employee may utilize sick leave because of personal illness, convalescence, non-occupational injury, exposure to contagious disease that might endanger the health of others, dental or vision treatment, preventive medical care, and for the care of legal dependents. The City will not tolerate abuse or misuse of sick-leave. Additionally, employees are prohibited from engaging in outside employment while they are on sick leave.

Employees should direct requests for known sick leave in advance (such as a request for time off to attend a medical appointment) to their immediate supervisor. An employee who is unable to report to work because of an injury or illness must notify his or her supervisor prior to the scheduled starting time, or as soon as practical, consistent with the Attendance and Punctuality Policy. Employees should refer to the call-in requirements set forth in the City's Attendance and Punctuality Policy and any supplemental time and attendance procedures developed by their department.

For non-FMLA absences of any duration due to illness or injury not connected with employment, a Department Head may request an employee present a physician's note justifying the employee's absence from work. Failure to present a physician's note or medical excuse when requested may be grounds for discipline including termination.

The City reserves the right to require that an employee present a return to work release from an employee's health care provider at the time the employee returns to work except in cases of an employee's return from intermittent FMLA leave. Sick leave of any duration which begins after submission of a resignation or after notification of termination may be charged against accrued vacation leave, holiday leave, or in the absence thereof, to leave without pay (LWOP). Sick leave shall not be taken after the last day on duty when an employee is being separated, except for employees who are retiring for disability reasons. In addition, this prohibition does not apply the pay out of accrued sick leave to an employee's estate upon the employee's death.

Employees with potentially FMLA-qualifying conditions or situations should review the Family and Medical Leave Act Policy and apply for leave, if applicable.

(3) Sick Leave Pay

Eligible employees will receive pay for accrued sick leave at their regular rate of pay at the time the sick leave is utilized. Time taken as sick leave is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work week.

Sick leave may be accumulated to a maximum number of hours. Sick hours earned beyond the maximum allowed shall be forfeited. Employees are not compensated for unused sick leave at the end of employment with the City or at any other time. For employees on FMLA leave, sick leave will run concurrently with FMLA leave consistent with the applicable rules of this policy, the FMLA policy and applicable law. Misuse of sick leave will be addressed as a disciplinary issue consistent with the City's Attendance and Punctuality Policy, and may be investigated in accordance with the City's Sick Leave Abuse Prevention & Investigation Procedures.

D. /Bereavement Leave

(1) Eligibility

(a) Death of a member of the employee's immediate family, whether or not such member is physically residing in the employee's household or elsewhere. For purposes of this policy, immediate family members are defined as follows:

- Spouse (including same sex spouses and common law spouses)
- Child (natural or adopted), step-child, grandchild, great-grandchild
- Brother, sister, half-brother, half-sister, step-brother, step-sister
- Parent, Grandparent, Great-grandparent, Step-parent
- Brother or sister of your mother or father (uncle, aunt)
- Son or daughter of your brother or sister (nephew, niece)
- Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law
- Foster Child
- Legal Ward

(b) An employee is entitled to take up to three (3) days of official leave with pay to make arrangements for or to attend the funeral of an immediate family member, as defined herein. Proof of death must be furnished within seven calendar days of the employee's return to work following use of such leave. Failure to provide proof will result in a reversal of leave days granted and non-payment for any related days of missed work. Disciplinary action may be taken if it is discovered that an employee has fraudulently requested leave under this paragraph.

(2) Taking Emergency/Bereavement Leave

In the event of an immediate family member's death, an employee may utilize bereavement leave to make funeral arrangements, settle family affairs, attend the funeral or memorial service, and for bereavement. Bereavement leave outside of three (3) workdays is at the discretion of the Department Head based upon the employee's individual circumstances and the needs of the department. Absence from the job for a death occurring outside the immediate family or beyond the normal three (3) workdays funeral leave must be deducted from annual leave (compensatory leave, sick leave, or vacation leave in that order). The workdays are required to be taken concurrently.

E. Injury Leave

Injury leave may be granted to City employees only in cases where an employee's injury has been designated a catastrophic injury as defined by State Worker's Compensation Law. Injuries must arise out of, and in the course of, employment as defined by law.

Injury Leave may be granted only upon written recommendation of the Department Head, as reviewed by the Human Resources Director, Risk Manager, and approved by the City Manager. A physician's certificate must be furnished for all injury leave requests. The employee may elect to use either leave without pay (LWOP) or his or her available leave. After the first seven days, the employee shall receive Workers Compensation benefits only, which would total approximately two-thirds of his or her average weekly wage, not to exceed the maximum Workers Compensation indemnity benefits as governed by the State Board of Workers' Compensation.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

F. Family and Medical Leave

The City will grant family and medical leave in accordance with the requirements of the Family and Medical Leave Act of 1993, as set forth in City's Family and Medical Leave Act (FMLA) Policy.

G. Military Leave

The City will grant military leave in accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA" and Georgia law.

(1) Military Leave under Federal Law - USERRA

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA." Employees' rights under USERRA are summarized below.

(a) Eligibility for Leave

City employees serving in the "uniformed services" are covered by USERRA. The "uniformed services" are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health

emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service
- An employee is unable to obtain orders of release through no fault of his or her own
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements

An employee who is separated as a result of exceeding the five-year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal.

(b) Notice of Leave

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Department Head with as much advance notice as possible of any anticipated leave of absence for military service.

(c) Compensation and Benefits During Leave

In compliance with Federal and State law, City employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year; however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

Accrued unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee’s request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Department Head. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days.

An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any

vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he or she would have attained if no military leave had been taken.

(d) Reinstatement

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his or her service on a basis that is not dishonorable or otherwise prohibited under USERRA, and must not have exceed the five-year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled work day following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for re-employment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to re-apply within applicable time limits may result in loss of re-employment rights. Full details regarding reinstatement are available from the Human Resources Department. In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, City will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of re-employment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or
- One year after the date of re-employment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

(2) Military Leave under Georgia Law

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled to a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if the City's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Regular appointed employees who must leave for up to six months in a four-year period to participate in assemblies or annual training, or to attend service schools conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position and they apply for re-employment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement. Employees should contact a Human Resources Department representative for more information about Military Leave.

H. Official Leave

Upon approval by a Department Head, employees may be granted official leave with pay for the purpose of transacting official City business, to include attendance at meetings or brief courses of instruction directly related to their assigned duties and deemed to be in the best interest of the City. Official leave shall be granted independently of other categories of leave specified in this procedure and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

I. Leave of Absence Without Pay (LWOP)

Unless otherwise permitted in the City Policies and Procedures, a leave of absence without pay for medical reasons must be requested and approved through the ADA accommodation process as set forth in City's Americans with Disabilities Act - Reasonable Accommodation Policy and Procedure.

Unpaid leave will not be approved under normal circumstances. All requests for leave without pay must be approved by the Department Head through consultation with the HR Director or designee. Paid leave will not be accrued during leave without pay status.

Please note that while an employee is on leave of absence without pay, there is no job protection by the City, except as required by law. Employees may continue, at their sole expense, their group health insurance coverage while on leave of absence without pay. In order to continue coverage, the employee must contact Human Resources to arrange for documentation and payment of premiums. The exceptions to these provisions are leavegranted as Family Medical and Military Leave as specified in this manual.

J. Court Leave (Jury and Witness Duty Leave)

The City encourages employees to serve on jury or witness duty when called. Employees are entitled to court leave without loss of pay or time for all days during which he/she shall be subpoenaed by any court, Federal, State or political subdivision thereof, to serve as a juror or witness. Employees on court leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Court leave shall be granted independently of other categories of leave specified in this policy and will not accrue. Court leave will be counted as active, creditable service.

Employees are not entitled to leave under this procedure for legal proceedings in which the employee is a party to the litigation. Similarly, employees who are absent from work because of a court order or judicial process due to being charged with a crime are not entitled to leave.

Employees must notify their Department Head of the need for time off for jury or witness duty upon receipt of a subpoena, notice or summons from the court, and should provide their Department Head with a copy of such documentation.

Employees may be required to provide verification of jury duty or witness service from the court clerk. Any employee on jury or witness duty is expected to report or return to work for the remainder of the work schedule when dismissed from jury or witness duty.

Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave in accordance with this policy.

K. Voting Leave

The City encourages all employees to fulfill their civic responsibilities and to vote in official public elections. The City complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for non-exempt employees.

Paid leave for voting is available to employees when their work schedule does not allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible to request paid leave for voting.

Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having actually voted may be required.

L. Parental Leave

Regular appointed employees who have been employed by the City for at least one (1) year are eligible for paid parental leave as set forth in the Paid Parental Leave Policy and Procedure.

M. Volunteer Activity Leave

Regular appointed employees shall be permitted to take up to two (2) days of paid leave per calendar year to participate in eligible volunteer activities. Such leave time shall not be chargeable to an employee's sick, vacation, compensatory or holiday leave accruals. Volunteer Activity Leave hours do not accrue and unused leave will not roll over to the next calendar year. Rather, eligible employees may use Volunteer Activity Leave for qualifying absences that occur during their regular scheduled work hours, up to a total of two (2) days in any calendar year. Volunteer Activity carries no cash value if unused, and employees will receive no payout of unused Volunteer Activity Leave upon separation from the City.

Eligible activities include, but are not limited to, the following school or community volunteer activities:

1. Voluntary service as part of an organized service project sponsored by a community, national or other service organization, e.g., Habitat for Humanity
2. Participation in community service programs that meet child, elder, or human needs. For example, delivering meals to the elderly or to needy community citizens through an organization such as Meals on Wheels
3. Attending non-profit boards and committee meetings, e.g., Boy Scouts/Girl Scouts, Big Brother/Big Sister, American Red Cross, 100 Black Men, etc.
4. Participation in activities directly related to non-profit fundraising, e.g., set up/take down, registration, answering phones, recruiting/organizing/training volunteers
5. Participation in activities directly related to student achievement and academic support of the employee's child, step-child, foster-child, or other child for whom

the employee has legal custody. Covered activities range from nursery and pre-school programs through higher education and include, but are not limited to the following:

- Attendance at Parent/Teacher conferences
- Participation in classroom activities, such as reading to a class or presenting on career day; proctoring examinations, attendance at award and recognition ceremonies or graduation exercises; participation in field day activities; chaperoning field trips; attendance at open house functions; and interviewing for a new school

Use of Volunteer Activity Leave for any political purpose or agenda is prohibited.

Volunteer Activity Leave is not intended and may not be used for the following activities:

1. Organizations whose primary purpose is to influence political campaigns on behalf of or against any candidate, political party, or political action committee
2. Participation in rallies, marches, or other events with a political agenda
3. Involvement in schools for attendance at social or sporting events
4. Faith-based religious gatherings
5. Participation in fraternal organizations, social clubs, labor organizations, or athletic/recreational clubs
6. Participation in a run, marathon, golf tournament, or other recreational activity, even if the goal is to raise funds for charitable goals and services
7. In place of annual or sick leave.

Solicitation for charities or organizations in the workplace will not be permitted in accordance with the City's No-Solicitation policy.

Employees must receive approval from their supervisors prior to using Volunteer Activity Leave. Supervisors may require written verification from an official of the service organization for use of Volunteer Activity Leave. If the leave is used for school-related activities, written verification should be from a school administrator or teacher.

Departments have discretion to approve or deny requests for leave based on operational needs, or other reasons, such as conduct, attendance, or unsatisfactory work performance. The Department Head should ensure that denials are applied consistently for all similarly situated employees.

Departments may determine that it is not possible to release certain employees under this policy and procedure, such as employees in direct care or public safety positions, due to staffing requirements. When adequate, capable back-up staff is readily available, or if it is possible to adjust employees' schedules, employees' requests should be granted. If they are unable to grant Volunteer Activity Leave requests, departments should inform affected employees as soon as possible after the decisions are made.

Employees cannot be paid for more than two (2) days of Volunteer Activity Leave in a calendar year regardless of transfer from one department to another. Each department is responsible for conducting due diligence to ensure an employee has not exhausted Volunteer Activity Leave prior to approving the paid leave.

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N. Administrative Leave

An employee may be placed on paid administrative leave for the following purposes:

1. During the investigation of any alleged improper act by an employee which may result in formal disciplinary action(s) and/or when the retention of the employee may be detrimental to the interests of the City or injurious to the employee, his/her fellow workers or the general public. Generally, an employee will not be placed on administrative leave for any period longer than is necessary for the department to determine the appropriate disciplinary action, if any, to be taken. In accordance with the Discipline Policy and Procedure, no classified employee shall be placed on Administrative Leave pending an investigation of alleged improper conduct for longer than ten working days.
2. As a non-monetary bonus award to an employee to recognize outstanding performance. A bonus award in the form of administrative leave may not exceed five working days or shifts in a calendar year. Any administrative leave awarded as a non-monetary bonus must be used within a year of the date granted.
3. As a non-monetary bonus award to recognize long term service of City employees who earn length of service awards.

In addition, Administrative Leave shall be any paid leave authorized by the City Manager or Department Head which is not otherwise specifically delineated in the Time Away from Work Policy and/or this procedure.

I. Leave Administration, Approval Process & Reporting

The Human Resources Director shall be responsible for the administration and enforcement of leave regulations and related procedures and for the maintenance of an official master record of all leave accruals, usage and balances. Requests for leaves of absence in all categories shall be submitted by an employee through normal channels of supervision to the employee's Department Head. Department Head shall be responsible for adherence to approved leave policies in their respective areas of responsibility. Approval and scheduling of leave time for an employee shall be the responsibility of that employee's Department Head.

All approved leave time in any category whatsoever shall be certified by the Department Head and reported directly in terms of hours for the preceding pay period. Time sheets, leave slips, and related documentation such as military orders, subpoenas, medical certifications and letters of authorization shall be retained by the City in a file separate from the employee's personnel file after such absences have been approved and reported on payrolls. In particular, all documents containing medical information will be maintained by the Human Resources Director in a separate file for each employee that is not part of their personnel file. Such records will be retained for at least three (3) years in addition to the current year.

No paid leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records.

Periodic internal and external audits of the leave records in each department may be scheduled and conducted to ensure that all leave policies are being properly followed and enforced.

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IV. Transfer of Leave Between Employees

- (1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work for the employee's own personal health reasons.
- (2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.
- (3) Transfer of hours is limited to six weeks per calendar year. All transfer requests must be accompanied by an original physician's statement indicating that leave is needed for medical reasons.
- (4) The donor employee must retain a minimum vacation leave balance of two weeks
- (5) Transfer of hours is final and cannot be reversed
- (6) A copy of a completed transfer form must be submitted to each employee's Department Head for payroll purposes
- (7) An employee using transferred leave will not accrue any leave

V. Payment of Leave Upon Retirement for Disability or Death

Notwithstanding any other provisions in the Time Away from Work Policy and Procedure, employees who retire for physical or mental disability or who die while in City service shall receive the following payouts:

- (1) An employee who retires for physical or mental disability may utilize all unused, accrued sick leave, vacation leave, compensatory leave, and/or holiday leave to which he or she was entitled at the time of such retirement;
- (2) An employee who dies while in the City service shall have paid to his/her estate executor the value of all unused accrued leave balances for vacation leave, sick leave, compensatory leave and/or holiday leave.

VI. Miscellaneous Leave Provisions

(1) Leave for Rehires

Sick leave balances shall be restored for those employees who are re-employed in a regular appointed position within six (6) months of their most recent separation from a regular appointed position. Employees who are re-employed within one (1) year of their most recent separation from a City regular appointed position shall be entitled to the bridging of service time for vacation accrual rates.

(2) Transfer from one Department or Job to Another

(a) An employee transferring from one department to another shall be credited with all accrued leave in all accruable categories with no change in current accrual rate unless tied to creditable years of service.

(b) When an employee who accrues leave accepts an appointment in a position which does not accrue leave, the employee will be paid his/her accumulated vacation, and/or holiday leave at the time of accepting the new appointment. In these instances, accrued sick leave balances will be forfeited in the same manner as for other employees who are separated. However, sick leave balances will be frozen and held in reserve for computation of pension and retirement benefits at the time of retirement. All accrued compensatory time will be paid out.

(3) Accrual of Vacation & Sick Leave While on Paid Leave

Subject to the provisions of the Time Away from Work Policy and Procedure, vacation and sick leave shall continue to accrue while eligible employees are on paid leave.

(4) Paid Time Off for Blood Donors

Paid time off shall be granted to blood donors at the rate of 4.0 hours for each such donation, chargeable as "Other Leave," to be taken at the convenience of the Department Head concerned within six months of receipt.

(5) Indebtedness to City

Whenever an employee is indebted to the City, the amount of such indebtedness may be deducted from compensation due and/or from accrued compensatory, vacation leave, as allowed by applicable law.

(6) Adjustment to Active Creditable Service

With the exception of FMLA leave, all leave without pay in excess of six (6) weeks shall result in an adjustment to an employee's active creditable service, unless otherwise prohibited by law.

(7) Adjustments to Leave Records upon Change in Circumstances

When an illness occurs during an approved vacation or other accruable leave period, appropriate adjustments to the employee's leave records, e.g., changing leave time from vacation to sick leave, may be made as necessary by the employee's Department Head upon the employee's return to work.

(8) Adjustment in Pay Rate upon Return from Paid Leave

An employee in a paid leave status will receive, as appropriate, any and all pay rate adjustments which may have occurred during the employee's absence upon the employee's return to work from paid leave.

(9) Time for Crediting & Taking Accrued Leave

Leave shall not be credited or taken in any category until after the end of the accrual period during which it is earned.

(10) Requirements for Paid Leave

Any employee who uses any paid leave for medical appointments or recurring treatment may be required to submit reports of attendance at such appointments.

TIMEKEEPING

Number: 326 -18

It is the policy of the City to properly compensate employees for all time worked.

I. Non-exempt Employees

Employees will be paid for all time worked.

Employees who are classified by the Fair Labor Standards Act (FLSA) as non-exempt must accurately record the time they work each day, including arrival, departure, meal, and break times. Employees are to record their time by clocking in and out on the City's electronic timekeeping system. If an employee forgets to clock in or out, the employee must immediately notify their supervisor, complete a Timesheet Adjustment form, and return the signed and

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completed form to their supervisor. Employees will be paid for all time worked; however, repeated instances of failing to properly clock in and out may result in disciplinary action.

When employees receive their paychecks, they should verify immediately that their working time was recorded accurately and that they were paid correctly for all hours worked. If an employee believes that his or her paycheck is not accurate, the employee must immediately inform his or her supervisor and/or the Human Resources Department.

Non-exempt employees may not work “off the clock,” meaning they may not perform any work for the City that they do not record in the City’s timekeeping system, and the City will not tolerate any “off the clock” work. Non-exempt employees must report all time worked and not work any time that is not authorized by their supervisors. Employees who have questions about when or how many hours they are expected to work should contact their supervisor and/or the Human Resources Department.

It is a violation of the City’s policy for anyone (including a supervisor or manager) to instruct or encourage another employee to work “off the clock,” to incorrectly report hours worked, or to alter another employee’s time records. If any employee is directed or encouraged to work off-the-clock, to incorrectly report hours worked, or to alter another employee’s time records, he or she should report the incident immediately to the Department Head and/or the Human Resources Department. Supervisors who violate this policy may be subject to disciplinary action including termination.

II. Exempt Employees

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence, sick leave or vacation.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee’s work. In general, an exempt employee will receive his or her salary for any week in which the employee performs any work, regardless of the number of days or hours worked. However, an exempt employee will not be paid for days not worked in the following circumstances:

- When an exempt employee takes one or more full days off for personal reasons other than sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available vacation or compensatory time to make up for the reduction in salary
- When an exempt employee takes one or more full days off from work due to sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available sick time to make up for the reduction in salary
- When an exempt employee works only part of the week during his or her first and last week with the City, the employee will be paid only for the days actually worked
- When an exempt employee takes unpaid leave under the Family and Medical Leave Act or corresponding laws, the City will not pay for such days/hours of absence, unless the employee has accrued vacation, sick or compensatory time to cover said absence

The City may require an exempt employee to use available vacation or sick time, as a replacement for salary, when the employee takes less than a full-day off from work. Pursuant to applicable law, the City may reduce an exempt employee's salary for absences less than a full day given that exempt employees of the City are paid according to a pay system established by a policy or practice pursuant to principles of public accountability, under which exempt employees accrue personal leave and sick leave and which requires City's employees' pay to be reduced or such employees to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by an employee because:

- (1) Permission for its use has not been sought or has been sought and denied
- (2) Accrued leave has been exhausted, or
- (3) The employee chooses to use leave without pay.

Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the work week in which the furlough occurs and for which the employee's pay is accordingly reduced.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror or witness or in the military or for lack of work.

III. Generally Applicable Provisions

Any employee may have their salary reduced as a result of disciplinary actions in accordance with applicable law and City disciplinary policies and procedures.

It is the City's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable State law. The City prohibits any deductions from pay that violate the FLSA or applicable State law.

If an exempt employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to the Department Head and/or the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

TUITION REIMBURSEMENT PLAN

Number: 327-18

I. Statement of Policy

(1) Eligibility and Procedure

Only for Full-time Regular, Fire, and Police Department employees who have successfully completed their probationary period, are rated as satisfactory or better on their last evaluation and have completed one (1) year of service are eligible to apply for tuition assistance. Formal education must be obtained at an accredited educational institution. The degree that the employee is going to obtain must align with positions in the City. The Department Head must ensure money is budgeted for education reimbursement.

Employees who take approved courses during off-duty hours may be reimbursed up to one

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hundred percent (100%) up to a maximum of five thousand dollars (\$2,500 per semester) per budget year of educational costs. Within 90 days of course completion, the employee must submit to the department head and Human Resources Department the following documentation:

- Proof of the cost of tuition and other eligible expenses for the course
- Credit card receipt or canceled check showing personal payment of eligible expenses or record of loan payment received by the institution
- Evidence of the final grade from the educational institution.

Application fees, miscellaneous administrative fees, graduation fees, test and examination fees, evaluation fees, parking fees, gasoline, activity fees, health fees, food, mileage, lodging, etc. are **not** subject to reimbursement.

The reimbursement schedule shall be:

100% Grade of “A” or “passing” for pass/fail courses

75% Grade of “B”

50% Grade of “C” 0% Grade below “C”, withdrawal, incomplete or another non-passing grade

There will be no duplicate payments for the same course. Reimbursement requested more than ninety (90) days after completion of the course will not be honored. Employees will not be reimbursed for the expenses associated with the course if they voluntarily leave or are terminated from the City during the course of study.

In addition, if an employee has received a degree or has taken multiple courses toward a degree and decides to voluntarily leave the City, the employee must reimburse the city in the following increments:

Years of Service After Completion	Percentage to Reimburse the City
• 1 (one) year or less	40%
• 2-3 (two or three) years	30%

There is no guarantee that this policy will remain in effect past the term for which the employee applies.

USE AND RETURN OF CITY PROPERTY

Number: 328 -18

I. Statement of the Policy

New employees may be issued City property upon hire. This may include, but is not limited to, keys, key cards for access to buildings and offices; photo identification cards; uniforms; computers or mobile devices and vehicles.

No employee or City official may use any equipment, materials, supplies, or other City

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property or the services of City employees for their personal benefit. Employees are expected to use proper care when using the City's property and equipment. No property may be removed from the premises without the proper authorization of the employee's Supervisor/Manager. If an employee loses, breaks, or damages any property, s/he must report it to their

supervisor/manager immediately. An employee who negligently loses or damages City-issued property may be required to replace the item(s) at their own expense. The Risk Manager will determine cause of loss or damage upon investigation.

Upon separation of employment for any reason, employees must promptly return all City property. This policy specifically requires employees to return all City property (including electronically stored information) that employees may have taken outside of the office, e.g., personal residence, or transferred to or stored on non-City computers and other electronic storage devices during their employment. Employees should clearly understand that, upon separation of their employment, they are without authorization to access or use of any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's computer systems or networks, including City email services, after separation of employment, unless such post-separation access is expressly authorized in writing by the City Manager.

RECOUPMENT OF MONIES OWED BY EMPLOYEES

Number: 329 -18

I. Statement of the Policy

The City of South Fulton is expected and authorized to lawfully recoup money owed to the City by current and former employees, City Council appointees, and elected officials. Occasionally, an employee, appointee, or elected official may be paid money in error or may be obligated to reimburse the City for certain expenditures. Because the City is funded by public dollars, it is imperative that employees, appointees, or elected officials and the City make every effort to avoid and correct payroll errors and to refund and recoup monies not otherwise due to the recipient. This policy is not intended to replace other legal remedies available to the City. Rather, this policy is intended to add to lawful mechanisms for the recoupment of money owed to the City.

II. When Recoupment is Warranted

The City is authorized to recoup monies from an employee in the following circumstances:

- A. When, because an error by the City, an employee is paid or receives any sum of money not due to the employee including, but not limited to unearned compensation and reimbursements and pre-paid travel/training expenses to which the employee is not entitled, provided that within twelve (12) months of the overpayment, the employee receives notice of the error and the City's intention to recoup the over-payment.
 - (1) A nominal over-payment of one hundred dollars (\$100.00) or less may be recouped at one time; and
 - (2) A significant over-payment of more than one hundred dollars (\$100.00) should be recouped via multiple payments, if possible, unless the over-payment is being recouped from a vacation leave payout upon an employee's separation from employment.

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- B. When an employee fails to fulfill an obligation or commitment upon which receipt of a monetary bonus or other incentive payment has been conditioned.
- C. When an employee fails to meet an obligation under an agreement resulting in entitlement to reimbursement for training or educational costs incurred by the City.
- D. When the City, because an employee, incurs a non-refundable expense that is used or will be used for the employee's own personal use. An example of such an expense would be when the City purchases non-refundable, non-transferable airfare that the employee decides not to use for the intended City business purpose.

III. Deductions

Absent a voluntary reimbursement by the employee, the City is authorized to recoup monies from an employee using voluntary and/or involuntary deductions from pay. In addition, the City may elect to use any of the following methods in lieu of, or in combination with, pay deductions:

- Deductions from accrued compensatory, holiday and/or vacation leave
- Deductions from compensatory, holiday and/or vacation leave payouts
- Deductions from future reimbursement and/or expense payment requests

Any deduction from compensation for hours worked may not be taken to the extent it reduces the employee's pay below the minimum wage rate of pay or results in an exempt employee becoming non-exempt pursuant to the Fair Labor Standards Act (FLSA).

If an employee separates from employment with a balance owed to the City, this policy does not exclude other legal remedies available to the City for collection of said balance.

IV. Elected Officials and Council Appointees

When, because an error by the City, an elected official or an appointee of the City Council is paid compensation over and above the amount required by law, the City should arrange for the individual to either a) immediately return the over-payment or b) deduct the over-payment from future compensation so that the individual's total compensation does not exceed the amount required by law.

When the City, on account of an individual, incurs a non-refundable expense that is used or will be used for the individual's own personal use, e.g., when the City purchases non-refundable, non-transferable airfare that the individual decides not to use for the intended City business purpose, or receives a reimbursement or pre-payment for an ineligible expense or an expense that cannot be reconciled, the City may deduct the value of the expense from future reimbursements and/or pre-payments for future expenses.

V. Availability of Other Remedies

Notwithstanding these procedures, City of South Fulton reserves the right to use all available legal remedies to recoup money owed to the City.

CITY OF SOUTH FULTON MANUAL



DEFINITIONS

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

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Page 405 of 456

City of South Fulton | February 22, 2022



DEFINITIONS

Classified Employee for purposes of this manual refers to those employees occupying positions in the “classified service” as defined and identified by the City Code Sec. 1-6001.

City for purposes of this manual means City of South Fulton, Georgia.

Department Head is defined as the person authorized by law and/or delegated authority to oversee the operations of a department.

Employee for purposes of this manual is defined as any individual who holds a budgeted position with the City of South Fulton.

Exempt Employee for purposes of this manual is defined as an employee who is specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).

Non-exempt Employee for purposes of this manual is defined as an employee who is entitled to minimum wage and overtime compensation (or compensatory time in lieu thereof) pursuant to the provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).

Regular Appointed Employee for purposes of this manual refers to those employees occupying a full-time position in a classified or unclassified status

Unclassified Employee for purposes of this manual refers to those employees occupying positions in the “unclassified service” as defined and are at-will.

At-Will Employee for purposes of this manual refers to employees who serve at the will of the City of South Fulton (all employees with the exception of employees in a classified status).

Please note that specific policies and procedures contained in this Manual may include additional definitions.

HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

Acknowledgement Form

I have received a copy of the Human Resources Policies and Procedures Manual (“manual”) for the City of South Fulton (“City”) and accept responsibility for reading the manual and becoming familiar with its contents. I acknowledge that I am responsible for complying with the expectations and policies in the manual, and that my violation of any expectation or policy therein may subject me to disciplinary action, up to and including termination of employment.

I understand that the manual is intended to assist with the management of personnel issues for the City, and is not intended to address every situation that may arise or to create specific policy to be applied in every instance. The provisions and guidelines in the manual are binding on the City and may be changed, interpreted, modified, revoked, suspended, terminated, or added to by the City at any time, at the City’s sole option, and with prior notice as addressed herein.

I acknowledge that nothing in the manual is intended to create, comprise, or define, nor should it be construed to constitute, any type of oral or written employment contract, promise, or guarantee, expressed or implied, between the City and any person or its employees. Nothing in the manual provides me with any assurance of, or property right in, employment or continued employment with the City. In the absence of a specific agreement to the contrary, authorized in this manual, my employment with and compensation from the City are for no definite period of time and may be terminated by me or the City at any time, for any reason, with or without cause, and with or without notice unless otherwise spelled out in this manual (notwithstanding the provisions permitted for classified employees).

Signature

Witness

Print name

Print name

Date

Title

Intentionally left blank

Intentionally left blank

Intentionally left blank

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: February 17, 2022
SUBJECT: HR Policies and Procedures Amendment

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The City Human Resources Department desires to revise the Policies and Procedures Manual.

FINANCIAL IMPACT

The proposed policy changes as written will have a financial impact on the City's FY23 budget. The impact will be on the salaries/benefits of those departments where anything in excess of 120 hours will need to be paid to those employees who are required to work on a holiday (8 or 12 hours).

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance To Amend Title 1, Administration, Chapter 6, Municipal Employees, Of The Code Of Ordinances, City Of South Fulton, GA To Add Section 2-6010 Healthy Workplace And For Other Lawful Purposes.?

DATE: February 22, 2022

SUBJECT: First Read of An Ordinance To Amend Title 1, Administration, Chapter 6, Municipal Employees, Of The Code Of Ordinances, City Of South Fulton, GA To Add Section 2-6010 Healthy Workplace And For Other Lawful Purposes.?

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Healthy Workplace Ord final1	Cover Memo	2/18/2022
COSF Memorandum FIS Healthy Workplace Ordinance	Cover Memo	2/18/2022

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORD2022-_____

AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 6, MUNICIPAL EMPLOYEES, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GA TO ADD SECTION 2-6010 HEALTHY WORKPLACE AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmembers Williams, Rowell, Sebastian, Reeves)

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City Council has determined it is necessary to ensure that a healthy workplace environment free of harassment, abusive behavior and bullying is fostered at the City for its employees and to provide for a grievance board to address; and

WHEREAS, the City desires to amend its code of ordinances through this Ordinance to provide regulations for maintaining a healthy workplace environment devoid of harassment, abusive behavior and bullying and to provide for a grievance board to address related grievances.

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

Section 1. The Code of Ordinances, City of South Fulton, Georgia, Title 1, Administration, Chapter 6, Municipal Employees, is hereby amended to add the following:

TITLE 1 – ADMINISTRATION

Chapter 6 – Municipal Employees

2-6010. This part shall be known and may be cited as the City of South Fulton Healthy Workplace Ordinance.

2-6010.1 General

The City of South Fulton is committed to providing a safe and respectful working environment that is free from workplace bullying/abusive conduct, and harassment. The City prohibits and will not tolerate any form of workplace bullying and/or harassment by and against City

employees, supervisors, managers, applicants for employment, and others in the workplace environment.

All employees are responsible for maintaining and contributing to an environment that is free from bullying and/or harassment. All employees (including supervisors and managers) are expected to conduct themselves in a manner that demonstrates professional conduct and mutual respect for others. Supervisors and managers must make every reasonable effort to establish and maintain a workplace free of bullying/abusive conduct and harassment.

2-6010.2 Prohibited Conduct

The workplace environment of the City shall be devoid of the following conduct:

(1) Abusive Conduct/Bullying

Abusive conduct means acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment/conduct made with malice, meaning with the intention of harming someone, that a reasonable person would find hostile, offensive, humiliating, intimidating, and unrelated to an employer's legitimate business interests. Abusive conduct may include, but is not limited to:

- Repeated verbal or written abuse, including derogatory remarks, insults, and epithets.
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature.
- The sabotage or undermining of an employee's work performance.

This list is illustrative only and not exhaustive. A single act generally will not constitute abusive conduct unless the conduct is determined to be severe and egregious.

(2) Harassment

Harassment means malicious, unwanted, repetitive and abusive conduct; arbitrary, unreasonable and/or capricious; verbal, written and/or physical; repeatedly by an employer, its agents, supervisors or employees, outside the legitimate interests of the company and unwanted by the person, and that creates an intimidating, humiliating, hostile or offensive work environment, not suitable for the reasonable person to perform their duties or tasks in a normal manner. Conduct constituting workplace harassment includes, but is not limited to, acts such as those detailed below:

- (1) Verbal outbursts of repeated episodes of impulsive, aggressive, violent behavior, or angry verbal outbursts which are grossly out of proportion and inappropriate to the situation.
- (2) Injurious, defamatory or harmful expressions about the person, with or without the use of profanity.
- (3) Hostile and humiliating remarks of professional disqualification.
- (4) The unjustified threats of dismissal.
- (5) The multiple disciplinary complaints of any of the active subjects of the harassment, whose recklessness is demonstrated by the result of the respective disciplinary processes.

- (6) The humiliating disqualification of proposals or opinions of work.
- (7) The comments or ridicules directed at the employee about the physical appearance or the way of dressing.
- (8) The public allusion to facts pertaining to the personal and family privacy of the affected employee.
- (9) The imposition of duties patently outside the scope of employment obligations, the openly disproportionate demands on the fulfillment of the work entrusted and the abrupt change of the workplace or of the contracted work without any objective basis regarding the business or service to which the employer is engaged.
- (10) The refusal of the employer or other employees to provide information pertinent to the performance of tasks.

Prohibited conduct for the purposes of this Ordinance shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing. Conduct that constitutes a protected exercise of an individual's rights under the First Amendment to the United States Constitution shall not be deemed a violation of this Ordinance.

This Ordinance applies to use of City's email and other electronic communication systems or devices. Any employee who violates this Ordinance shall be subject to disciplinary action, up to and including termination of employment.

2-6010.3 Complaint Procedure

The City expects all employees to report immediately all concerns of bullying/abusive conduct or harassment so that prompt and appropriate action can be taken in according with the City grievance policy and procedures and this Ordinance.

If you are subjected to any conduct that you believe violates this Ordinance or witness any such conduct, you must promptly speak to, write, or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, the next level above your direct supervisor, ideally within ten (10) days of the offending conduct. If you have not received a satisfactory response within five (5) days after reporting any incident of what you perceive to be prohibited conduct, please immediately contact the Human Resources Department to ensure that a prompt investigation is completed. Prohibited conduct may be challenged even if the complaining party is not the intended target of the conduct.

The complaint should be as detailed as possible, including the date, time, and location of the incident and the names of all individuals involved and any witnesses. Employees are expected to cooperate in any related investigation. The City will thoroughly investigate all complaints of prohibited conduct as soon as practicable and will take prompt corrective action in accordance with the City's grievance policy and procedures, including discipline, if appropriate. If after a thorough investigation, the employee is not satisfied with the result of the investigation, the employee may appeal the determination to an ad hoc grievance board.

2-6010.4 Ad Hoc Grievance/Appeal Board

An employee shall have the right to appeal an unsatisfactory determination of a complaint of bullying, abusive behavior or harassment to the grievance board. The board shall ensure that employees have a fair and impartial appeal and review of the determination of their complaint. The grievance board shall be ad hoc and be composed as follows:

- (1) A part-time municipal court judge as nonvoting chairperson of the board. The mayor shall select one of the judges from the current personnel roster.
- (2) Three randomly selected individuals from a pool of seven individuals appointed by each council member who are not current or retired city employees and who are a City of South Fulton citizen.

All members of this board shall be persons who have no personal relationships with any part to the grievance, that is, not related by blood or marriage, business partners, close personal friends or other relationship or circumstances that would tend to bias the judgment of the board members for or against any party to the grievance or appeal. There shall be no private, one on one conversations between individual board members and any party to the grievance concerning the merits of the grievance or appeal at any time during the course of the proceedings.

The grievance/appeal board shall hold a hearing on the grieved or appealed issue at which all appropriate witnesses and supporting information shall be heard as determined by the board. The chairperson shall follow the procedural rules of Robert's Rules of Order, newly revised or as amended, for the ad hoc grievance/appeal board hearing. The hearing shall be recorded. This recording shall be the only official record of the hearing. The evidentiary portion of the hearing before the board shall be open to the press and public, however, the deliberation of the findings of the board shall occur in closed session. After the board has heard from all involved parties, the chairperson will close the meeting. Only the voting members of the board shall be party to the deliberation of the findings of the board. After consideration of written materials and testimony given at the hearing, the board will issue through the chairperson a decision to the city manager or human resources director. The grievant/appellant and the appellee will receive copies of the board's decision which shall be final.

Members of the board shall be paid a per diem for each hearing they are required to conduct. If a hearing lasts multiple days, then the board members shall receive a separate per diem for each day of hearing. The per diem shall be the same for each member and shall be approved by the city council.

2-6010.6 No Retaliation

The City prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of workplace bullying/abusive conduct or harassment of any kind, pursuing a complaint of workplace bullying/abusive conduct or harassment, or participating and cooperating in related investigations. At-will employment status may not be used to terminate any employee in retaliation for filing a grievance.

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

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

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

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. 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 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: February 14, 2022
SUBJECT: Healthy Workplace Ordinance

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The City desires to amend Title I, Administration, Chapter 6, Municipal Employees, of the Code of Ordinances, City of South Fulton, GA to add Section 2-610 Healthy Workplace and for other lawful purposes.

FINANCIAL IMPACT

The only financial impact that the proposed ordinance would be that of the per diem payments to the board members that will be responsible for hearing the grievance/appeal. Also, there will be the expense of codifying the change in Municode, so at minimum about \$20 a page.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval Of A Resolution To Amend The City's Holiday Schedule To Recognize KWANZAA (December 26 - January 1) As An Official City Holiday

DATE: February 22, 2022

SUBJECT: Request Council Approval Of A Resolution To Amend The City's Holiday Schedule To Recognize KWANZAA (December 26 - January 1) As An Official City Holiday

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Kwanzaa Holiday	Cover Memo	2/18/2022
COSF Memorandum FIS Kwanzaa Holiday Resolution	Cover Memo	2/18/2022

**AN RESOLTION TO AMEND THE CITY’S HOLIDAY SCHEDULE TO RECOGNIZE
KWANZAA (DECEMBER 26 – JANUARY 1) AS AN OFFICIAL CITY HOLIDAYAND
FOR OTHER LAWFUL PURPOSES**

Plain Text Explanation:

Creates a Kwanzaa Holiday each year from December 26 to January 1.

(Sponsored by Mayor khalid and Councilman Mark Baker)

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

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council thereof (“City Council”); and

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time city council; and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City wished to celebrate the heritage of its African-American residents, which make up 92 percent of the City’s population; and

WHEREAS, Kwanzaa is an annual celebration of African-American culture, from December 26 to January 1, created by Professor Maulana Ndabezitha Karenga to celebrate universal, community-building principles of Umoja (Unity), Kujichagulia (Self-determination), Ujima (Collective work and responsibility), Ujamaa (Cooperative economics), Nia (Purpose), Kuumba (Creativity) and Imani (Faith)

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOVLVES
as follows:

Section 1. Observation of Holiday: Kwanzaa, December 26 to January 1, is an official City Holiday:

- a. The City shall observe December 26 to January 1 as an official paid holiday. No City business shall be conducted on these days, except to facilitate the celebration or commemoration of these days. City employees who are mission critical December 26 to January 1 shall be offered flex time for the hours they work on such day.

- b. The City shall ensure sufficient public safety and administrative personnel are made available and compensated at the appropriate full-time or overtime rates to accommodate any celebrations;
- c. The goal of City Council is to make the cost of any such celebrations revenue neutral by seeking community and corporate sponsors to help offset the cost of any Kwanzaa events;
- d. The City Communications Department shall promote the event and the rationale behind the event as stated in this Resolution.

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/or federal law.

The foregoing Resolution No. 2022-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
khalid kamau, Mayor	_____	_____
Dr. Catherine Foster Rowell	_____	_____
Carmalitha Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Dr. Mark Baker	_____	_____

THIS RESOLUTION so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMAS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



[NAME OF WRITER]
[TITLE]

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: January 20, 2022
SUBJECT: Kwanzaa Holiday Resolution

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The City desires to amend the City's Holiday schedule to recognize Kwanzaa December 26 – January 1.

FINANCIAL IMPACT

The proposed resolution as written will only have a financial impact on the City's budget, based on those who are required to work during this time. Those designated workers, would receive regular pay along with holiday pay at their regular rate of pay.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval Of A Resolution To Amend The City's Holiday Schedule And Human Resources Manual To Recognize Summer Fridays (May Through August)

DATE: February 22, 2022

SUBJECT: Request Council Approval Of A Resolution To Amend The City's Holiday Schedule And Human Resources Manual To Recognize Summer Fridays (May Through August)

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Wellness Days (revised) 2.18.2022	Cover Memo	2/18/2022
COSF Memorandum FIS Wellness Day Resolution	Cover Memo	2/18/2022

**AN RESOLTION TO AMEND THE CITY'S HOLIDAY SCHEDULE AND HUMAN
RESOURCES MANUAL TO RECOGNIZE SUMMER FRIDAYS (MAY THROUGH
AUGUST)**

Plain Text Explanation:

Creates annual Paid Days Off Fridays in May through August. City Hall will be closed.

(Sponsored by Mayor khalid)

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

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

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time city council; and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City wishes to create equity in benefits for non-essential workers and a **revenue-neutral benefit** for City employees

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOVLVES
as follows:

Section 1. Definition of Wellness Days. Wellness Days shall be a new class of benefits, distinct from City Holidays which require flex and/or overtime for public safety and other essential personnel.

- a. The City shall over Paid Time Off each year for a list of Wellness Days as defined in Section 2 of this Resolution.
- b. The City shall rename its Holiday Calendar a "Holiday & Wellness Days" Calendar.

Section 2. Calendar of Wellness Days. The City shall incorporate the following Wellness Days into its Human Resources Manual and Holiday & Wellness Days Calendar:

- a. All Fridays occurring each Calendar Year from May 1 to August 31.

Section 3. 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 4. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 5. 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 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.

The foregoing Resolution No. 2022-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

khalid kamau, Mayor
Dr. Catherine Foster Rowell
Carmalitha Gumbs
Helen Zenobia Willis
Jaceey Sebastian
Corey Reeves
Natasha Williams
Dr. Mark Baker

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

THIS RESOLUTION so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMAS, CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

TAMMI SADDLER JONES
CITY MANGER



Karen Slaton-Dixon
FINANCE DIRECTOR

MEMORANDUM

TO: Corey Adams, City Clerk
FROM: Karen Slaton-Dixon, Finance Director *KSD*
DATE: January 20, 2022
SUBJECT: Wellness Day Resolution

CONCLUSION

No direct funds are being requested nor have any direct funds been allocated in the FY22 budget to cover any known expenses.

BACKGROUND

The City desires to amend the City's Holiday schedule and Human Resources Manual to recognize Summer Friday's (May-August) and Summer Break the first full week of July as Wellness Days.

FINANCIAL IMPACT

The proposed resolution as written will only have a financial impact on the City's budget, based on those who are required to work during this time. Those designated workers would receive regular pay along with holiday pay at their regular rate of pay.

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Request Council Approval of A Resolution Offering A One-Time, \$2,500 American Rescue Plan (ARP) Bonus To All Well and High-Performing City Of South Fulton Employees

DATE: February 22, 2022

SUBJECT: Request Council Approval of A Resolution Offering A One-Time, \$2,500 American Rescue Plan (ARP) Bonus To All Well and High-Performing City Of South Fulton Employees

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Resolution to Give 2500 ARP Bonus to All City Employees	Cover Memo	2/18/2022

A RESOLUTION OFFER A ONE-TIME, \$2500 ARP BONUS TO ALL WELL AND HIGH-PERFORMING CITY OF SOUTH FULTON EMPLOYEES

Plain Text Explanation:

Would give \$2500 Retention Bonus to all City Employees with a Performance Rating between 3-5 who have served in South Fulton since the COVID-19 pandemic began.

(Sponsored by Mayor khalid)

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

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

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time city council; and

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, several municipalities, including the City of Atlanta, Fulton County, DeKalb County, Athens-Clarke County Consolidated and several others have awarded performance and retention bonuses to all their employees using American Rescue Plan funds; and

WHEREAS, the City of South Fulton seeks to show its appreciation to all their employees who have provided quality service to constituents through the COVID-19 pandemic and encourage them to remain employed by the City,

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY RESOVLVES as follows:

Section 1. Bonuses. The City of South Fulton shall use American Rescue Plan (ARP) funds to provide for a one-time payment of \$2500 to all cities employees employed since January 1, 2020 who have received a Performance Review rating of 3 (Solid Contributor - met all performance expectations), 4 (Successful Plus – met and exceeded most of the established performance expectations) and 5 (Exceptional Contributr – exceded all performance expectations).

Section 2. The City of Union City is encouraged to adopt a similar Resolution to rename the portions of Stonewall Tell Road which fall within the city limits of Union City.

Section 3. All 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 resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the clerk.

Section 5. The effective date of this Resolution 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 Resolution No. 2022-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
khalid kamau, Mayor	_____	_____
Dr. Catherine Foster Rowell	_____	_____
Carmalitha Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Dr. Mark Baker	_____	_____

THIS RESOLUTION so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

KHALID KAMAU, MAYOR

ATTEST:

COREY ADAMAS, CITY CLERK

APPROVED AS TO FORM:

VINCENT D. HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Council Consideration of Override of the Mayor's Veto of Council's approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months

DATE: February 22, 2022

SUBJECT: Council Consideration of Override of the Mayor's Veto of Council's approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor Veto of Police Bonuses 1.27.2022	Cover Memo	2/18/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five (5) business days following the adoption of such ordinance, resolution or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedure set forth in this section.

(b) The mayor, within ten (10) business days following receipt of an ordinance, resolution, or other action adopted by the city council shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If the ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and its receipt from the mayor.

(c) An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of a least five (5) councilmembers, not including the mayor.

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

Date of Adoption: 1/25/2022 **Item Number:** N/A

Subject: Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months – Motion by Willis/Gumbs -Approved 6-0-1

Reason for Veto: SEE THE ATTACHED

Date to Mayor: N/A **Date of Veto:** 1/27/2022

Mayor's Signature: _____

Date Received by City Clerk: 1/27/2022

Date to Councilmembers: 1/27/2022

Date of next Regular Meeting of City Council: February 22, 2022

Action Taken at _____ **City Council Meeting:** _____

Corey Adams

From: khalid kamau
Sent: Monday, January 31, 2022 5:49 PM
To: Corey Adams; Catherine Rowell; Carmalitha Gumbs; Helen Willis; Jaceey Sebastian; Corey A. Reeves; Natasha Williams; Mark Baker
Cc: Tammi Saddler Jones; Don Toms; Vincent Hyman; Gary Leftwich
Subject: Re: Vetoes of Police Bonuses

Mr. Adams:

I was hoping you would wait until I provided you with a reason before announcing the veto. I wanted to avoid another last-minute veto. If it is to be your process to announce Vetoes as soon as they are signed, expect less-expedited vetoes, as I always want to offer a detailed explanation of my rationale to provide context to the decisions of this office.

As stated in the January 25 Council Meeting — and the planning session I held with the City Manager, Clerk and Attorney beforehand — it is my hope to have topic-focused agendas; both to increase the efficiency of our Council Meetings and improve the interdisciplinary nature of the decision-making process.

As a Council, we have often said we value all our employees and departments equally — but our budget tells a different story.

1. Why would we offer Retention Bonuses to the employees of only one department? ARP allows us to offer retention bonuses to all employees. [DeKalb County recently approved \\$2000 ARP Retention Bonuses](#) for ALL its employees.

2. If employee attrition is our real concern then we would prioritize bonuses for our Finance and Planning, Zoning & Permitting Departments, which have been decimated by contentions firings and resignations. Our City Manager and HR Director can also confirm the difficulty they have experienced in their attempts to fill those vacant positions. But alas, we have not budgeted for such bonuses — which is why I have worked to create a set of revenue-neutral wellness days to employees who have heretofore received no bonuses or "essential worker" pay.

All employees matter.

If we believe truly that, we cannot allow one department — whose employees have already received Gladiator pay and are scheduled to receive another \$1,000 check from Governor Kemp — to skip the line ahead of all our other employees.

The Bible teaches in [1 Corinthians 12](#) teaches that one body has many parts, and all are of equal value in the eyes of God. Let us be a city that values all our employees equally, in spirit and in truth.

Those in power can kill one, two or a hundred roses. But they cannot stop the coming of Spring.

Mayor khalid
City of South Fulton, GA
470.809.7710 or 7721



From: Corey Adams <corey.adams@cityofsouthfultonga.gov>

Sent: Thursday, January 27, 2022 17:55

To: khalid kamau <khalid.kamau@CityofSouthFultonga.gov>; Catherine Rowell <Catherine.Rowell@cityofsouthfultonga.gov>; Carmalitha Gumbs <Carmalitha.Gumbs@cityofsouthfultonga.gov>; Helen Willis <Helen.Willis@cityofsouthfultonga.gov>; Jaceey Sebastian <jaceey.sebastian@cityofsouthfultonga.gov>; Corey A. Reeves <corey.reeves@cityofsouthfultonga.gov>; Natasha Williams <natasha.williams@cityofsouthfultonga.gov>; Mark Baker <Mark.Baker@cityofsouthfultonga.gov>

Cc: Tammi Saddler Jones <tammi.jones@cityofsouthfultonga.gov>; Don Toms <don.toms@cityofsouthfultonga.gov>; Vincent Hyman <vincent.hyman@cityofsouthfultonga.gov>; Gary Leftwich <gary.leftwich@cityofsouthfultonga.gov>

Subject: Vetoes Issued by Mayor khalid

Good Afternoon Honorable Mayor khalid and City Councilmembers,

Pursuant to the City Charter, I am providing notice that Mayor khalid has issued a veto regarding the following action approved by the City Council at its January 25, 2022, Regular Council Meeting:

“Request Council approval of a hiring bonus for Post Certified Police to receive \$3,000 after 90 days employed with a commitment/signed agreement to stay with the City for 36 months (Police)”

I was not provided a reason; however, I will forward the required document when received.

I have also attached the formal veto issued by Mayor khalid of the Resolution of Reprimand of the Mayor.

Both items will appear on the next City Council Regular Meeting scheduled for February 22, 2022.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.



Corey E. Adams, Sr., IIMC-CMC, MPA

City Clerk

City of South Fulton | 5440 Fulton Industrial Blvd., S.W., Atlanta, GA 30336

470-809-7711 | corey.adams@cityofsouthfultonga.gov

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GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: First Read of An Ordinance Amending Title 15, Criminal Offenses, Chapter 1, In ? General, Of The City Code, Pardoning Certain Charges Under Sec. 15-1006(A) ?For The ?Possession Of One Ounce Or Less Of Marijuana, Alleviating The Public Burden Of Future Charges Under Sec. 15-1006(A) For The ?Possession Of One Ounce Or Less Of Marijuana

DATE: February 22, 2022

SUBJECT: First Read of An Ordinance Amending Title 15, Criminal Offenses, Chapter 1, In ? General, Of The City Code, Pardoning Certain Charges Under Sec. 15-1006(A) ?For The ?Possession Of One Ounce Or Less Of Marijuana, Alleviating The Public Burden Of Future Charges Under Sec. 15-1006(A) For The ?Possession Of One Ounce Or Less Of Marijuana

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Marijuana Possession Pardon Ordinance (Dr. Baker)	Cover Memo	2/18/2022

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

4
5 **AN ORDINANCE AMENDING TITLE 15, CRIMINAL OFFENSES, CHAPTER 1, IN**
6 **GENERAL, OF THE CITY CODE, PARDONING CERTAIN CHARGES UNDER SEC. 15-**
7 **1006(A) FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA,**
8 **ALLEVIATING THE PUBLIC BURDEN OF FUTURE CHARGES UNDER SEC. 15-1006(A)**
9 **FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND FOR**
10 **OTHER LAWFUL PURPOSES**

11
12 **(Sponsored by Councilperson Mark Baker)**

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
20 **WHEREAS**, the City Charter authorizes the City to enact rules and regulations
21 concerning the public health, safety and welfare of the City;

22 **WHEREAS**, the City Council finds that enforcement of the State law prohibiting
23 possession of less than one ounce of marijuana has been inequitable and has fallen
24 disproportionately on certain subsets of the population;

25
26 **WHEREAS**, arrest and/or conviction for the State law offense of possession of less
27 than one ounce of marijuana presents employment obstacles which marginalize broad
28 swaths of the population;

29
30 **WHEREAS**, the City Council further finds that the prosecution and punishment of
31 individuals charged with the possession of one ounce or less of marijuana, where such
32 person has no accompanying felony charge related to the incident, presents greater harm
33 to the health, safety, and welfare of the City than the act of possession itself; and

34
35 **WHEREAS**, this Ordinance aims to 1) pardon individuals charged with the
36 possession of one ounce or less of marijuana under Sec. 15-1006(a), where such person
37 has no accompanying felony charge related to the incident and 2) cease future charges
38 of persons with possession of one ounce or less of marijuana under Sec. 15-1006(a),
39 where such person has no accompanying felony charge related to the incident; and

40
41 **WHEREAS**, this Ordinance is in the best interests of the health and general
42 welfare of the City, its residents and general public.

43 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
44 follows:
45

Section 1. The City of South Fulton Code of Ordinances, **Title 15, Criminal Offenses**, is hereby amended by adding a new subsection **(f) Pardon**, to **Section 15-1006, Civil possession offense**, which shall read as follows:

TITLE 15 – CRIMINAL OFFENSES

CHAPTER 1. – IN GENERAL

Sec. 15-1006. – Civil possession offense

...

(f) Pardon of marijuana possession (ounce or less) in non-felony cases

- 1) It is the policy of the City that the arrest, prosecution, and punishment of individuals charged with the possession of one ounce or less of marijuana, and no felony charge accompanying such possession charge, presents greater harm to the health, safety, and welfare of the city than the act of possession itself.
- 2) **Pardon for pending cases.** Any person charged under Sec. 15-1006(a) of this Chapter for a possession violation occurring on or after January 1, 2022, shall be deemed pardoned of such charge under Sec. 15-1006(a), immediately upon and by operation of law.
- 3) **Non-prosecution under Sec. 15-1006(a) for future offenses.** As of the effective date of this Ordinance, the City police department shall not charge any person with the possession of one ounce or less of marijuana under Sec. 15-1006(a), where no felony charge accompanies such possession charge.
- 4) Nothing under this Ordinance shall preclude a police officer from taking all customary incidental investigatory actions that would otherwise be available to an officer with a reasonable suspicion or probable cause to believe that a crime of marijuana possession has occurred or from charging an individual with any other crime for which probable cause exists.
- 5) Nothing in this Ordinance shall entitle any person to any reimbursement for past and/or paid fines.

Section 2. Effective Date. The effective date of this Ordinance shall be on the date of adoption unless provided otherwise by applicable local, state and/or federal law.

83
84 **Section 3.** It is hereby declared to be the intention of the City Council that: (a) All
85 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
86 upon their enactment, believed by the City Council to be fully valid, enforceable and
87 constitutional.

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

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

100 **Section 4.** All Ordinance and Resolutions in conflict herewith are hereby expressly
101 repealed.

102 **Section 5.** The City Attorney, City Clerk and contracted City Codifier are authorized
103 to make non-substantive formatting and renumbering edits to this ordinance for proofing,
104 codification, and supplementation purposes. The final version of all ordinances shall be
105 filed with the City Clerk.

The foregoing Ordinance No. 2022-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
Khalid kamau, Mayor	_____	_____
Carmalitha Gumbs	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis, Mayor Pro Tem	_____	_____
Jaceey Sebastian	_____	_____
Corey Reeves	_____	_____
Natasha Williams	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2022. **CITY OF SOUTH FULTON, GEORGIA.**

Khalid kamau, MAYOR

ATTEST:

CORY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

VINCENT HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: Council Consideration of Override of the Mayor's Veto (In Part) of Council's approval of A Resolution To Express Disapproval Of Mayor khalid kamau's Recent Actions That Interfere, Disrupt and Violate The City's Charter Regarding Role Delineation Between The City Council And Mayor And For Other Lawful Purposes

DATE: February 22, 2022

SUBJECT: Council Consideration of Override of the Mayor's Veto (In Part) of Council's approval of A Resolution To Express Disapproval Of Mayor khalid kamau's Recent Actions That Interfere, Disrupt and Violate The City's Charter Regarding Role Delineation Between The City Council And Mayor And For Other Lawful Purposes

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Mayor Veto of RES2022-001 Censureship of Mayor Khalid 1.27.2022	Cover Memo	2/18/2022



MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five (5) business days following the adoption of such ordinance, resolution or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedure set forth in this section.

(b) The mayor, within ten (10) business days following receipt of an ordinance, resolution, or other action adopted by the city council shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If the ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and its receipt from the mayor.

(c) An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. Votes to override mayoral vetoes shall occur at regular scheduled meetings of the city council and cannot occur at a special meeting or emergency meeting. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action adopted by the city council that has been vetoed by the mayor by the affirmative votes of a least five (5) councilmembers, not including the mayor.

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

Date of Adoption: 1/6/2022 **Item Number:** RES2022-001

Subject: **RESOLUTION TO EXPRESS DISAPPROVAL OF MAYOR khalid kamau's RECENT ACTIONS**

Reason for Veto: **SEE THE ATTACHED**

Date to Mayor: 1/10/2022 **Date of Veto:** 1/25/2022

Mayor's Signature: [Signature]

Date Received by City Clerk: 1/25/2022

Date to Councilmembers: 1/25/2022

Date of next Regular Meeting of City Council: February 22, 2022

Action Taken at Page 43 of 43 **Meeting:** City of South Fulton I February 22, 2022

Corey Adams

From: khalid kamau
Sent: Tuesday, January 25, 2022 10:47 PM
To: Corey Adams; Catherine Rowell; Carmalitha Gumbs; Helen Willis; Jaceey Sebastian; Corey A. Reeves; Natasha Williams; Mark Baker
Cc: Tammi Saddler Jones; Don Toms; Gary Leftwich
Subject: Re: Veto In Part of Resolution 2022-001 (Reprimand of Mayor)
Attachments: VETO of Resolution of Reprimand of Mayor 2022-001 .pdf

Dear City Council & Clerk:

Please accept this written notice of my **Veto In-Part for Resolution 2202-001 (Reprimand of the Mayor)**.

According to City Attorney Hyman's opinion below, As Mayor I may — under our City Charter/City Code of Ordinances, Sec. 3.21(d) — "line item veto" sections of Ordinance and/or Resolution." As such, I am exercising both my power *and* my restraint by issuing a "line item veto;" deleting the following words and phrases from Resolution 2022-001.

The goal of eliminating the following words is to both perfect the record of my actions *and* what I believe to be the legal facts of the matter when those actions were taken — yet still recognizing City Council's hurt and accepting your condemnation for the part I played in it.

I do not believe that simply requesting Letters of Resignation violated our City Charter in any way. However, I do believe — as I stated publically at the end of our January 8 Work Session — it was inconsiderate of me not to make Council aware of my position on such a consequential matter before speaking about it publicly.

With that stated, I am proposing we enter Resolution 2022-001 into the record with **the following deletions:**

Page 2, 4th Whereas paragraph, deleting line: "nor use the Communications Department" (I did not use any items from Communications. Even the podium I spoke at on January 4 did not come from City Hall.)

Page 2, 5th Whereas paragraph, deleting lines: "directly violates, contradicts and/or contravenes the City Charter that has established a City Council - City Manager form of government as set forth in the following provisions...." and all the lines that follow until the first Whereas paragraph on the following page. (I do not believe I violated our City Charter).

Page 3, 1st Whereas paragraph, deleting lines: "'s blatant disregard for the City Charter, its elected officials, appointed employees and department heads; and" (Again, I do not believe I violated our Charter. And certainly that care I took to explain repeatedly that "I do not have the power to fire the City Manager or Clerk" is evidence of some regard for our City Charter.")

It troubles me greatly that both the First Ordinance *and* First Resolution passed by our City Council in our New Year focused on us (City Council) and not our citizens, our People; was divisive and not unifying; and created negative and not positive press for our city. I recommit to you all to do



Vincent D. Hyman

City Attorney

City of South Fulton | 5440 Fulton Industrial Blvd., S.W., Atlanta, GA 30336

470-338-5095 | vincent.hyman@cityofsouthfultonga.gov

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CONFIDENTIALITY NOTICE:

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From: khalid kamau <khalid.kamau@CityofSouthFultonga.gov>
Sent: Thursday, January 13, 2022 10:14 AM
To: Vincent Hyman <vincent.hyman@cityofsouthfultonga.gov>
Cc: Corey Adams <corey.adams@cityofsouthfultonga.gov>
Subject: Request for Legal Opinion: Resolution 2021-001? (Reprimand of Mayor)

Mr. Clerk & Mr. City Attorney:



MAYOR'S SIGNATURE PAGE

The mayor, within ten (10) business days following receipt of a Resolution, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If a Resolution has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return a Resolution to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt.

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: January 6, 2022 **Item Number:** RES2022-0001

Subject: RESOLUTION TO EXPRESS DISAPPROVAL OF MAYOR khalid kamau's
RECENT ACTIONS

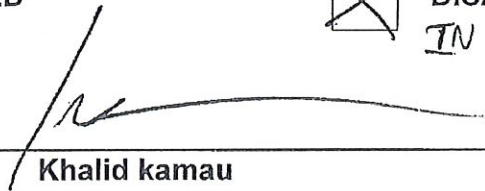
Date Received by Mayor: January 10, 2022

☐

APPROVED

☒

DISAPPROVED
IN PART

Mayor's Signature: 
Khalid kamau

Date to City Clerk' Office: 25 January 2022

**RESOLUTION TO EXPRESS DISAPPROVAL OF MAYOR KHALID KAMAU'S
RECENT ACTIONS THAT INTERFERE, DISRUPT AND VIOLATE THE CITY'S
CHARTER REGARDING ROLE DELINEATION BETWEEN THE CITY COUNCIL AND
MAYOR AND FOR OTHER LAWFUL PURPOSES**

**(Sponsored by Councilmembers Rowell, Gumbs, Willis, Sebastian,
Reeves and Williams)**

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

WHEREAS, the legislative authority of the government of this City, except as otherwise provided in this charter shall be vested in the City Council to be composed of a part-time mayor and seven part-time councilmembers, pursuant Section 2.10 (a); and

WHEREAS, the City, pursuant to Section 3.10 (a), the City Council shall be vested with all the powers of government of this city as provided by Article I of this Charter; and

WHEREAS, pursuant to Section 3.10 (b) of its Charter, has the authority to adopt and provide for resolutions, rules and regulations, not inconsistent with the Charter and with the Constitution and laws of the State of Georgia; and

WHEREAS, there is firm belief that the proper, efficient and effective administration and operation of the City Council-Manager form of government will be fostered by a clear definition of the roles and responsibilities of the City Council, Mayor, and City Manager, § 3.10A; and

WHEREAS, the full and complete legislative and policy making authority of the City resides in the part-time City Council and the full-time City Manager shall take no action which impinges upon or interferes with the City Council's policy making role, § 3.10A (1); and

WHEREAS, the City Manager is the full-time chief executive officer of the City, and, as such all department heads, § 3.10A (2); and

WHEREAS, the elected leaders of the City, including the Mayor must help foster a collaborative approach to City's affairs by not intimidating, interfering, disrupting or violating the provisions of the City's Charter and/or Code of Ordinances; and

WHEREAS, the City Council's expectation that the Mayor will consistently behave in a professional manner, show a willingness to collaborate even with those who disagree

with his policies and/or position and respect the Charter and the role delineations set forth therein; and

WHEREAS, the Mayor, on January 4, 2022, convened a meeting requesting the attendance of the City Manager, City Clerk, City Attorney and Communication Director to share his vision of his next 100 days and to also request their resignations, except for the Communications Director; and also sent out an email on the same day reiterating the same; and

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WHEREAS, Sec. 1-6009 (1) of the City Code of Ordinances has established the Communications and External Affairs Department that is responsible for the development of internal and external communications, coordinates media relations, news releases, the city's website, social media, and newsletter, see also City Charter § 4.10 (d); and

WHEREAS, the Communication Department is the City's official and sanctioned internal and external communications vehicle for the dissemination of information regarding city related matters, affairs and/or business; and

WHEREAS, the Mayor, on January 4, 2022, neither conferred or consulted with City Council prior to making statement regarding city related matters, affairs and/or business, nor use the Communication Department for disseminating official city related matters, affairs and/or business; and

WHEREAS, the Mayor's conduct in requesting the resignation of the City Manager, City Clerk, City Attorney directly violates, contradicts and/or contravenes the City Charter that has established a City Council - City Manager form of government as set forth in the following provisions:

- Failure to uphold the Constitution, laws, and regulations of the United States, the State of Georgia, this Charter, and the Code of Ordinances of the City, § 2.16 (a) (1);
- Engage in other conduct which is unbecoming to a member, or which constitutes a breach of public trust, § 2.16 (a) (8);
- The Mayor and Councilmembers shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of her subordinates are empowered to appoint, § 3.10A (3);
- The Mayor and Councilmembers shall deal with the city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Mayor nor any Councilmembers shall give orders to any such officers or employees either publicly or privately, § 3.10A (4);
- The Mayor shall have no management authority or responsibility with respect to the operations and administration of city government, § 3.10A (8);
- The Mayor or a Councilmember may only recommend the removal of the City Manager from office in accordance with procedure set forth in the Charter, and any such recommendation the City Council must adopt by affirmative vote of five of its members accompanied by a preliminary resolution stating the grounds for

- removal or may suspend the City Manager for a time period not to exceed 45 days, § 3.23 (b);
- The City Manager shall be the chief executive officer of the City. The City Manager shall be responsible to the City Council for the administration of all city affairs placed in the City Manager's charge by or under this Charter . . . including having the authority to hire persons to act as department heads. . . suspend or remove any city employee and administrative officer the City Manager hires or appoints, § 3.25 (1);
 - Except for the fire and police chief, the City Manager may suspend or terminate directors or department heads, so long as the City Attorney reviews the facts supporting the suspension or termination, § 4.10 (e);
 - There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the City Manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency, § 4.10 (d);
 - The Mayor may only remove the City Attorney for good cause and provided, however, that an affirmative vote of five member of the City Council may prevent the removal by determining that good cause for removal does not exist, § 4.12 (b);

WHEREAS, the City Council finds that it is necessary to officially reprimand, rebuke or condemn the Mayor ~~for blatant disregard for the City Charter, its elected officials, appointed employees and department heads; and~~

WHEREAS, through this resolution the City Council desires to express its disapproval of the Mayor's conduct by violating and/or disrupting the City Council-City Manager form of government by acting outside his authority in an attempt to usurp the City Council and City Manager's authority. Therefore, it is the intent of this resolution to reinforce that this type of behavior will not be tolerable within the City;

WHEREAS, the City Council continues to express a willingness and desire to work with the Mayor in a collaborative, cordial and innovative way within the confines of the City Charter.

WHEREAS, this Resolution is in the best interests of the City, its employees, residents to help maintain the continuity and tranquility of the City governmental operations.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY RESOLVES as follows:

Section 1. That the Mayor is respectfully requested to abide by the City's Charter, Ordinances and/or Resolutions which clearly delineates the roles and responsibilities of the Mayor, Council and City Manager and refrain from interfering, impeding, disrupting or hindering the performance and duties of the City Manager, City Attorney, City Clerk, department heads or other employees.

Section 2. 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 3. All resolutions or parts thereof that are in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

Section 4. The effective date of this Resolution shall be from the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

[signatures and voting tabulations appear on the following page]

khalid kamau , Mayor
Carmalitha Gumbs
Catherine Foster Rowell
Helen Zenobia Willis, Mayor Pro Tem
Jaceey Sebastian
Corey Reeves
Natasha Williams
Mark Baker (ABSTAINED)

NAY

[illegible]

CITY OF SOUTH FULTON, GEORGIA

ATTEST:

APPROVED AS TO FORM:

 1/7/22

VINCENT D. HYMAN, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: An Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date And For Other Lawful Purposes.

DATE: February 22, 2022

SUBJECT: An Emergency Ordinance Declaring A State Of Emergency In The City Of South Fulton; Providing For City Meetings To Be Held Virtually; Providing For An Effective Date And For Other Lawful Purposes.

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Description	Type	Upload Date
Ord2021 State of Emergency Ordinance & Virtual Meetings 12.20.21 (Vincent Hyman)	Cover Memo	2/18/2022

AN ORDINANCE DECLARING A STATE OF EMERGENCY IN THE CITY OF SOUTH FULTON; PROVIDING FOR CITY MEETINGS TO BE HELD VIRTUALLY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmember Catherine Rowell - District 1)

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

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

WHEREAS, the World Health Organization has declared the COVID-19 Virus, commonly referred to as the Coronavirus, as a world health emergency and global pandemic; and

WHEREAS, the Coronavirus has various mutations and/or variants that continue to effect vaccinated and unvaccinated individuals across the nation, including Georgia and its surrounding counties and cities; and

WHEREAS, the Centers of Disease Control ("CDC") and the Georgia Department of Public Health ("DPH") collects, analyzes and tracks Covid-19 data in various categories, e.g., confirmed cases, hospitalizations, deaths by race and ethnicity,

WHEREAS, it is known that the COVID-19 Virus and its variants can have a disproportionate impact on certain races and ages than other race or age groups; and

WHEREAS, the global pandemic caused by the spread of COVID-19 persists with the new Omicron variant of the virus currently infecting Georgians; and

WHEREAS, according to the Georgia Department of Public Health, a large portion of Georgians are not fully vaccinated; and

WHEREAS, it is essential for the City to continue to act in order to minimize the spread of COVID-19 and its variants so as to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this continued public health crisis;

WHEREAS, the City is authorized to declare an emergency and take measures to protect the life, health, property, or public peace of its citizens pursuant to Section 3.18 of its Charter; and

WHEREAS, O.C.G.A. §38-3-28 provides the City with the authority to make, amend, and rescind such orders, rules and regulations as necessary for emergency

management purposes to preserve the health, safety and welfare of the residents of the City; and

WHEREAS, the Open Meetings Act, O.C.G.A. § 51-14-1 *et seq*, allows public agencies, such as the City, to conduct their meetings, via, teleconference in the event of an emergency; and

WHEREAS, the COVID-19 pandemic constitutes an emergency within the meaning of the Open Meetings Act; and

WHEREAS, The state of Georgia Governor's executive order declaring a Public Health State of Emergency which provided for City Meetings to be conducted virtually has expired; and

WHEREAS, the City adopted an emergency ordinance on [date] which remained in effect for only 25 days; and

WHEREAS, the City Council desires to adopt this emergency ordinance to continue to provide for City Meetings to remain virtual to aid in the prevention and the potential spread of the COVID-19 and its variants (e.g., Omicron) at City meetings, which are staffed and attended by its elected officials, employees and citizens; and

WHEREAS, this Ordinance is in the best interests of the health and general welfare of the City, its residents and general public.

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

Section 1. Declaration of Emergency. The City Council hereby declares that a public health state of emergency remains in the City of South Fulton due to the pandemic.

Section 2. City Meetings. All meetings of any Board, Commission, Authority, or the City Council shall continue to be held by virtual means, to include the use of the Zoom platform with concurrent live streaming of the proceedings on YouTube. Public comments will be received through Zoom in addition to written comments submitted to the City as provided on the City's website. In all other respects, the meetings will be conducted as though they were in person and held at City Hall.

Section 3. Effective Date. This Ordinance shall take effect upon passage by the City Council and shall expire by its own terms 30 days after its adoption, unless extended by further action of the City Council.

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, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of

this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 6. The City Attorney, City Clerk 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.

[signatures and voting tabulations appear on the following page]

GOVERNMENT OF THE CITY OF SOUTH FULTON

khalid kamau
MAYOR



TAMMI SADDLER JONES
CITY MANAGER

MEMORANDUM

TO: THEMES for UPCOMING MEETINGS

DATE: February 22, 2022

SUBJECT: THEMES for UPCOMING MEETINGS

REFERENCE:

CONCLUSION:

BACKGROUND:

FISCAL IMPACT: