



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

SPECIAL CALLED MEETING AGENDA

1. Meeting Called to Order
2. Roll Call
3. Agenda Items
 - a. Council Approval of Atlanta Track Club Event
 - b. Council Approval of Resolution and MOU transferring of Southwest Arts Center from Fulton County to City of South Fulton (Parks and Recreation)
4. Adjournment of Meeting



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING



SUBJECT: Council Approval of Atlanta Track Club Event

DATE OF MEETING: 1/10/2020

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Atlanta Track Club Memo	Cover Memo	1/8/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

January 6, 2020

The Honorable Mayor William “Bill” Edwards
and City of South Fulton City Council
5440 Fulton Industrial Blvd. SW
Atlanta, GA 30336

Greetings Honorable Mayor and Council,

The Community Development and Regulatory Affairs Department (CDRA) received communication regarding an upcoming event, led by the Atlanta Track Club, taking place on January 11, 2020. In the past, this event was successfully held in partnership with Fulton County Government, within the boundaries of the City of South Fulton. In 2018, the City worked with Fulton County to facilitate the event without incident.

As a requirement of Section Article 19.4.19. of the City's Zoning Ordinance, Festivals or Events, (Outdoor/Indoor) for special events marketed to populations outside the local community where organizer anticipates 250 attendees or more at any one time requires a Use Permit to be granted by Mayor and Council. Unfortunately, the notice of the event provided to my office was provided on December 27, 2019, leaving very little time to process this request. Over the last few days, Staff has worked to determine various options to ensure that an event with significant benefit for South Fulton and surrounding residents is able to move forward.

Staff has determined that if an event includes properties and/or structures owned, operated and/or leased for use by the City of South Fulton, Zoning Ordinance regulations shall not apply if the use is for public purposes, per Section 4.3 - Exceptions.

In reaching out to our Legal Counsel, she has made the following determination:

- *The event would require Council's Approval.*
- *Per Zoning Resolution 3.3.19 S, the event will need to be approved by the PD and the Council because it will occur on a public roadway with 250 anticipated attendees.*
- *It appears but is not clear from correspondence below (per prior email communication) that a zoning change or variance is also necessary (due to location or otherwise) to meet Zoning Resolution 19.4.19 requirements (for*

special events with 250+ anticipated attendees). If no such change/variance is necessary, this will just need approval by the Council and PD at their leisure.

- If a zoning change/variance is necessary, obviously there is no time to go through our zoning/variance procedures for an event scheduled next weekend. An exemption from the zoning code would thus be necessary. I do believe we could reasonably exempt the event as Mrs. Reed suggested per Zoning Resolution 4.3, contingent on the event becoming a public event. This would require city sponsorship through Council approval, as I do not believe that we can credibly classify this as an administrative event done in furtherance of established administrative duties. To avoid equal protection issues, it would be prudent for the council to have a legitimate government interest in sponsoring this race over others. It may be helpful for administration to articulate some of these interests (based on the facts and purpose of this event) in helping the Council make a decision.*
- In sum, either scenario would require council approval.*

This event is extremely well attended and provides the City not only good publicity and overall good will, but also the ability to disseminate important messages, provide access to additional quality of life activities not offered by the City, and the ability to build and sustain key relationships that we do not currently have the capacity to develop. In summary, it is the staff recommendation that the City partner with the event's sponsor and allow for the use of the exception included in Section 4.3 of the Zoning Ordinance. This in turn, would allow for the event to take place as scheduled on January 11, 2020, while providing a tangible benefit to the City. In order for Staff to move forward with such action, Council would need to meet and provide approval of the event. A Special Called meeting would be necessary as the next scheduled meeting will be held after the event on January 14, 2020. Staff is requesting that the City Clerk poll the full body to determine availability of a quorum of the Council.

Should you need further information regarding this correspondence, please contact Shayla Reed at shayla.reed@cityofsouthfultonga.gov.

In Service,



Odie Donald II



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL SPECIAL MEETING



SUBJECT: Council Approval of Resolution and MOU for Parks and Recreation

DATE OF MEETING: 1/10/2020

DEPARTMENT: City Manager

ATTACHMENTS:

Description	Type	Upload Date
Memo and MOU for Southwest Arts Center	Cover Memo	1/8/2020
Resolution for Southwest Arts Center	Cover Memo	1/8/2020

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: Honorable Mayor William "Bill" Edwards & City Council Members

FROM: Odie Donald II 
City Manager

DATE: January 7, 2020

SUBJECT: **Transition of South West Arts Center: Memorandum of Understanding with Fulton County**

In an effort to allow for operational continuity and to avoid any disruption of services, we have agreed to permit the current Fulton County Arts Center staff to continue to provide services at both facilities from January 8, 2020 to February 2, 2020. In order to do so, we have proposed a Memorandum of Understanding (MOU) to define the terms under which we will allow their staff to operate during the designated period (attached). The MOU will be presented to Council for approval at the Special Called Meeting scheduled for Friday, January 10, 2020 at 9am.

Should you need further information regarding this correspondence, please contact Tony Phillips at tony.phillips@cityofsouthfultonga.gov.

MEMORANDUM OF UNDERSTANDING
by and between
FULTON COUNTY, GEORGIA
and an
THE CITY OF SOUTH FULTON
for
THE TRANSFER AND TRANSITION OF
THE SOUTH WEST ARTS CENTER

WHEREAS, Fulton County, Georgia (“COUNTY”), and the City of South Fulton, Georgia (“CITY”) (collectively referred to herein as “parties”) are interested in serving the needs of the citizens of Fulton County, Georgia, by providing for logistics to help ensure the smooth and efficient transition of services and operations at the South West Arts Center (“Center”) by way of this memorandum of understanding (“MOU”). By signing this MOU, and for the mutual and valuable consideration set forth herein, both parties agree to the following:

General Terms

1. The COUNTY will transfer title of the South West Arts Center (located at 915 New Hope and identified as Parcel 14F0061 LL0119) to the CITY prior to February 3, 2020;
2. Upon January 8, 2019 or the COUNTY’S transfer of title of the South West Arts Center to the CITY, whichever occurs later, the COUNTY shall have a license through February 2, 2019, and subject to the CITY’S approval, to provide staffing services and a schedule of programming and events.
3. COUNTY staff operations at the Center will be subject to a reduction in force (RIF) effective February 2, 2020.
4. The CITY shall launch and take full control over daily operations at the Center effective as of February 3, 2020. January 8, 2019 through February 2, 2019 shall be known as the “SWAC Transition Period.”
5. During the SWAC Transition Period, the COUNTY and CITY shall work collaboratively to:
 - a. Run the CITY’S network in parallel with the County until the CITY takes full control over the CENTER on February 3, 2019;
 - b. Transition the Center’s camera and HVAC systems to the CITY; and
 - c. Transition alarm and fire codes to the CITY.
6. The COUNTY shall continue to maintain full insurance coverage over the Center during the SWAC Transition Period.
7. The COUNTY shall indemnify the CITY and hold the CITY harmless from any and all damage which the CITY should suffer from any and all liability, claims, demands, attorney's fees and costs of defense, or judgment against it, arising from the County’s operations at the Center from the effective date of this MOU through the SWAC Transition Period.

8. This MOU constitutes the entire agreement between the parties as to all matters contained herein. All subsequent changes in this MOU must be in writing and signed by both parties.
9. This MOU shall be governed by the laws of the State of Georgia.
10. All notices under this MOU shall be given by email or certified US mail, return receipt requested. Notices shall be addressed to the parties at the following mail and email addresses:

If to COUNTY: insert

With a copy to: insert

If to the CITY:

Odie Donald, City Manager
City of South Fulton
5440 Fulton Industrial Blvd
Atlanta, GA 30336
Ph: (470) 809-7700
odie.donald@cityofsouthfultonga.gov

With a copy to:

11. Neither party shall assign any of the obligations or benefits of this MOU without signed written consent by the other party.
12. This MOU may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.
13. This MOU by and between the COUNTY and CITY shall become effective upon the authorization for execution of this MOU the governing bodies of the parties, and the MOU's execution by the parties' duly authorized representatives.

(SIGNATURES ON FOLLOWING PAGE)

IN WITNESS WHEREOF, COUNTY and the CITY have executed this MOU through their duly authorized officers as set forth below:

FULTON COUNTY, GEORGIA:

[INSERT COUNTY SIGNATURE BLOCK]

CITY OF SOUTH FULTON, GEORGIA

Odie Donald, City Manager

Date signed:_____

Approved as to Form:

Emilia C. Walker, City Attorney

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
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6 **A RESOLUTION BY THE CITY AUTHORIZING A MOU WITH FULTON COUNTY,**
7 **GEORGIA, PERTAINING TO THE TRANSFER AND TRANSITION OF THE SOUTH**
8 **WEST ARTS CENTER FROM FULTON COUNTY TO THE CITY AND FOR OTHER**
9 **LAWFUL PURPOSES**

10
11 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;
13

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

16 **WHEREAS**, State law allows for the City to acquire park property from Fulton
17 County, Georgia, for the benefit and use of South Fulton residents and visitors;

18 **WHEREAS**, the City and Fulton County have mutually collaborated with respect
19 to the smooth transition and transfer of the South West Arts Center to the City;

20 **WHEREAS**, the City Council desires to authorize the City Manager and City
21 Attorney, by MOU as set forth herein, to facilitate the transition of services pertaining to
22 the transfer of the South West Arts Center; and

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

25 **THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY**
26 **RESOLVES** as follows:
27

28 **Section 1.** The City Council hereby authorizes the City Manager and City Attorney
29 to negotiate, facilitate and execute, in substantial form, the attached MOU with Fulton
30 County pertaining to the transfer and transition of the South West Arts Center from Fulton
31 County to the City.
32

33 *****

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

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

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

Section 3. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the city clerk.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

THIS RESOLUTION adopted this _____ day of _____ 2020.

CITY OF SOUTH FULTON, GEORGIA

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WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

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The foregoing RESOLUTION No. 2020-_____, adopted on _____
was offered by Councilmember _____, who moved its approval. The motion
was seconded by Councilmember _____, and being put to a vote, the result
was as follows:

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