



**CITY OF MABLETON, GEORGIA**  
Hawthorne Plaza 1245 Veterans Memorial Highway  
Suite 20, Mableton, GA 30126  
April 20, 2026 at 6:30 PM

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The Honorable Michael Owens, Mayor  
The Honorable Ron Davis, Mayor Pro Tem/District 1 Councilmember  
The Honorable Michael McNeely, District 2 Councilmember  
The Honorable Keisha Jeffcoat, District 3 Councilmember  
The Honorable Cassandra Brown, District 4 Councilmember  
The Honorable TJ Ferguson, District 5 Councilmember  
The Honorable Debora Herndon, District 6 Councilmember

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**CITY COUNCIL WORK SESSION AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION**
- 4. PLEDGE OF ALLEGIANCE**
- 5. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS**
  - a. Proclamation for Georgia Cities Week 2026 - Mayor Michael Owens**
  - b. Proclamation Celebrating Earth Day 2026 in the City of Mableton - Mayor Michael Owens**
- 6. PUBLIC HEARING**
  - a. Public Hearing - Amendments to the City of Mableton Urban Redevelopment Plan**
- 7. AGENDA ITEMS AND DISCUSSION**
  - a. REZ2026-003 (First Read) – Tax Parcel 19108000540 ( Stallion Parkway) - request to rezone 3.5 acre property from NRC to RSL for 61-unit senior housing development - Director Michael Hughes**
  - b. Resolution to Adopt Uniform Municipal Court Rules of Procedure - Court Administrator Mallory Minor**
  - c. Resolution Updating the City of Mableton's Classification and Pay Plan Discussion - Human Resources Director Jeanne Pope**
- 8. PRE REGULAR MEETING AGENDA REVIEW**
- 9. ANNOUNCEMENTS**
- 10. EXECUTIVE SESSION (IF NEEDED) FOR LITIGATION (O.C.G.A. 50-14-3(B)(1)(A)REAL ESTATE(O.C.G.A. 50-14-3 (B)(1)) PERSONNEL ( O.C.G.A. 50-14-3 (B)(2)) AND MISC. EXEMPTIONS ( O.C.G.A. 50-14-3 (B)(4)&(5))**
- 11. ADJOURNMENT**

Persons with special needs relating to handicapped accessibility, disability, or foreign language may contact the City Clerk at (404) 927-9502 or [susan.hiott@mableton.gov](mailto:susan.hiott@mableton.gov) at least three days prior to the meeting. The clerk can be located at the City of Mableton Administrative Offices, 1245 Veterans Memorial Highway, Mableton, Georgia 30126 during regular office hours.



## **AGENDA ITEM MEMORANDUM**

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**MEETING OF:** April 20, 2026  
**DEPARTMENT:** [DEPARTMENT]

**ISSUE/AGENDA ITEM TITLE:** Proclamation for Georgia Cities Week 2026 - Mayor Michael Owens

**BACKGROUND/SUMMARY:**

**BUDGETED/FINANCIAL IMPACT – FUND:**

**RECOMMENDATION:**

**ATTACHMENTS:**

1. GEORGIA CITIES WEEK PROCLAMATION

**GEORGIA CITIES WEEK**

**“Love Your City” - APRIL 20-25, 2026**

**A RESOLUTION OF THE CITY OF MABLETON RECOGNIZING GEORGIA CITIES WEEK, APRIL 20-25, 2026, AND ENCOURAGING ALL RESIDENTS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.**

**WHEREAS**, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

**WHEREAS**, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

**WHEREAS**, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

**WHEREAS**, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

**WHEREAS**, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

**WHEREAS**, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Mableton to be affixed this 22nd day of April, 2026.

Respectfully,

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Susan Hiott  
City Clerk

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Michael Owen  
Mayor, City of Mableton



## **AGENDA ITEM MEMORANDUM**

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**MEETING OF:** April 20, 2026  
**DEPARTMENT:** [DEPARTMENT]

**ISSUE/AGENDA ITEM TITLE:** Proclamation Celebrating Earth Day 2026 in the City of Mableton - Mayor Michael Owens

**BACKGROUND/SUMMARY:**

**BUDGETED/FINANCIAL IMPACT – FUND:**

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Earth Day Proclamation 2026



**Office of the Mayor**

**Proclamation**

**Earth Day, April 22, 2026**

**WHEREAS**, April 22, 2026, marks the 56th anniversary of Earth Day, an annual global event dedicated to increasing environmental awareness and promoting stewardship of our planet; and

**WHEREAS**, the 2026 Earth Day theme, “Our Power, Our Planet,” calls on citizens, businesses, and governments to unite behind renewable energy, sustainable practices, and climate action to protect our environment for current and future generations; and

**WHEREAS**, the City of Mableton recognizes the importance of preserving and protecting our natural resources through local action, including urban forest management, recycling programs, energy efficiency initiatives, and community tree planting efforts; and

**WHEREAS**, Mayor Michael Owens is committed to fostering a culture of sustainability and environmental responsibility throughout the City of Mableton; and

**WHEREAS**, Mayor Michael Owens encourages residents to take meaningful steps toward reducing waste, conserving energy, and protecting local ecosystems; and

**WHEREAS**, Mayor Michael Owens and the City of Mableton acknowledge that our actions today significantly impact the health of our planet, its ecosystems, and all forms of life;

**NOW, THEREFORE**, I, Mayor Michael Owens, Mayor of the City of Mableton, do hereby proclaim April 22, 2026, as:

**EARTH DAY**

in the City of Mableton and encourage all residents, businesses, and institutions to join in creating a more sustainable and resilient community by participating in local environmental activities.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Mableton to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Respectfully,

\_\_\_\_\_

Susan Hiott

City Clerk

\_\_\_\_\_

Michael Owens

Mayor, City of Mableton

**NOTICE OF PUBLIC HEARING ON PROPOSED  
AMENDMENTS TO THE CITY OF MABLETON, GEORGIA,  
URBAN REDEVELOPMENT PLAN**

Notice is hereby given that the City of Mableton, Georgia (“City”) will hold a public hearing during its City Council Work Session occurring on **Monday, April 20, 2026, at 6:30 p.m.**, at the Administrative Offices located at 1245 Veterans Memorial Highway, Suite 20 of Hawthorne Plaza, Mableton, GA 30126. Said public hearing is being held for the purpose of hearing comments on amendments to the *City of Mableton, Georgia Urban Redevelopment Plan 2024* (the “Urban Redevelopment Plan”). The Urban Redevelopment Plan sets forth urban redevelopment projects for the urban redevelopment areas within the City. The areas to be additionally considered under the proposed amendments to the Urban Redevelopment Plan include certain parcels within the City along and/or near Center St SW, Old Floyd Rd SW, Fontaine Rd SW, Mableton Town Sq, Church St SW, Clay Rd SW, Walker Ct, Walker Dr SW, Carol Cir SW, Peak St, US Hwy 278, Floyd Rd SW, Moss Dr, Lions Club Dr. and Glore Dr SW.

The general scope of the Urban Redevelopment Plan, as amended, will be revitalization, land acquisition, improvements and other related redevelopment activities, and to address blight and growth within the City in a manner that positively enhances neighborhoods, businesses, industries, investments, recreation and quality of life. Members of the public are invited to participate in the public hearing. A copy of the proposed amendments to the Urban Redevelopment Plan may be obtained from the City Clerk, Susan Hiott, via email at: [susan.hiott@mableton.gov](mailto:susan.hiott@mableton.gov).

# **City of Mableton, Georgia**

## **Urban Redevelopment Plan 2024, As Amended**



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## EXECUTIVE SUMMARY

This Amended City of Mableton Urban Redevelopment Plan (“Plan”) shall constitute an Urban Redevelopment Plan for the City of Mableton, Georgia (the “City”) within the meaning of the “Urban Redevelopment Law,” Title 36, Chapter 61 of the Official Code of Georgia Annotated, as amended. This Plan meets the requirements of O.C.G.A § 36-61- 2(24) and conforms to the general plan for the City as a whole. This Plan further considers zoning and planning changes, land use issues, maximum densities, building and development requirements, and the plan's relationship to City goals regarding suitable land uses, improved traffic and public transportation, the provision of public utilities, the creation or expansion of recreational and community facilities, and other public improvements in identified urban redevelopment areas. This Plan will assist the positive growth and development of the new Georgia City of Mableton and will promote the general welfare of the City’s residents.

The steps to fulfil the requirements under the Urban Redevelopment Law:

- Define boundaries of an Urban Redevelopment Area.
- Develop a draft Urban Redevelopment Plan.
- Hold a public Hearing.
- Adopt a “Finding of Necessity”, declaring that there exist pockets of blight which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of this state.

This resolution declares that certain pockets of blight or portions thereof may require acquisition, clearance, and disposition subject to use restrictions. Additionally, this resolution declares that public money may be expended, and the power of eminent domain may be exercised for the purposes of removing blight.

- Adopt the Urban Redevelopment Plan and designate an Urban Redevelopment Agency responsible for implementation.

## BACKGROUND AND PURPOSE

Certain areas within the City of Mableton meet the State of Georgia criteria for targeted urban redevelopment, as defined by the State of Georgia Urban Redevelopment Law (O.C.G.A. 36-61-1 *et seq.*). These areas present conditions of persistent deteriorating or inadequate utility, transportation, or transit infrastructure; a predominance of buildings or improvements, which by reason of dilapidation, deterioration, age, vacancy, or obsolescence are detrimental to the public

health, safety, morals, or welfare; the presence of a substantial number of vacant, deteriorated, or deteriorating structures; or a combination of such conditions. As such, the persistence of these conditions substantially impairs or arrests the sound growth of the City, detain the provisions of adequate housing accommodations, and constitutes an economic and social liability that is a menace to the public health, safety, morals, or welfare in its present condition and use.

As such, the State of Georgia enables the use of redevelopment tools through the Urban Redevelopment Law to undertake actions to improve the “public health, safety, morals and welfare” of a specifically designated and qualifying area, otherwise labeled as an Urban Redevelopment Area. In order to enact these tools, an area must be declared to be meeting certain standards for depressed or derelict conditions based upon the predominance of the physical indicators mentioned above. In addition to identifying areas that meet these conditions, an Urban Redevelopment Plan must be approved which conforms to the general plan of the City as a whole (O.C.G.A.36-61-2 (24)). This document is intended to fulfill the role of the Urban Redevelopment Plan for the Mableton Urban Redevelopment Area No. 1 (“URA Area 1”), ~~and~~ Mableton Urban Redevelopment Area No. 2 (“URA Area 2”), ~~Mableton Urban Redevelopment Area No. 3 (“URA Area 3”) and Mableton Urban Redevelopment Area No. 4 (“URA Area 4”)~~ (collectively referred to as “URA Areas 1,2, 3 and 4”), approved by the City.

This document will highlight several significant tools that could be used to begin addressing the poor environmental quality pervasive within Mableton URA Areas 1, ~~and Area-2, 3 and 4~~ under this Plan and contribute to sustainable growth for the City as a whole.

## BLIGHT

The urban redevelopment areas under this Plan “pockets of blight,” which display the presence of conditions or a combination of factors that substantially impairs and arrests the sound growth of the City of Mableton.

"Pocket of blight" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and detrimental to the public health, safety, morals, or welfare.

“Pocket of blight” also means an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; having development impaired by airport or transportation

noise or other environmental hazards; or any combination of such factors, substantially impairs or arrests the sound growth of a municipality or county, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.



## CONSISTENCY WITH OTHER CITY PLANS

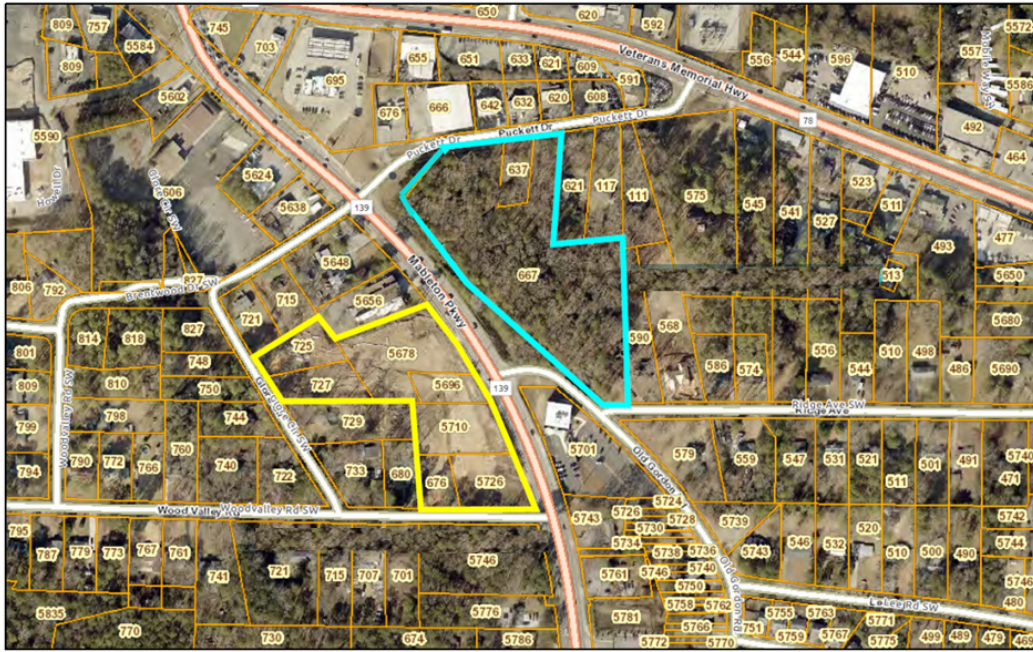
This plan is consistent with the other plans as adopted or proposed by the City regarding the City's future. A vision that included neighborhoods, businesses, industries, investments, redevelopment, recreation, and quality of life. This Plan will assist in pursuing redevelopment projects and partnerships that will support those goals.

## DESCRIPTION OF URBAN REDEVELOPMENT AREAS

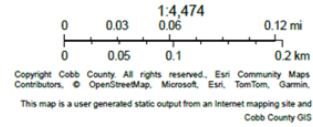
The Urban Redevelopment areas identified under and subject to this Plan are more fully defined below:

### ➤ URA Area 1—Mableton Parkway and Puckett Drive

- Boundaries outlined in yellow  and blue  below
- URA Area 1 is a mix of residential and commercial under current zoning
- Includes tax parcels: 17003700440, 17003700450, 17003700580, 17003700400, 17003700410, 18003900010, 18003900020, 18003900030, 17003700340, 17003700330, 18015600250 and 18015600270



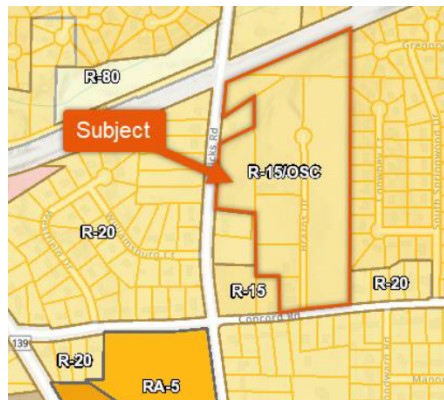
— Approx. 5.87 Acres  
— Approx. 5.87 Acres

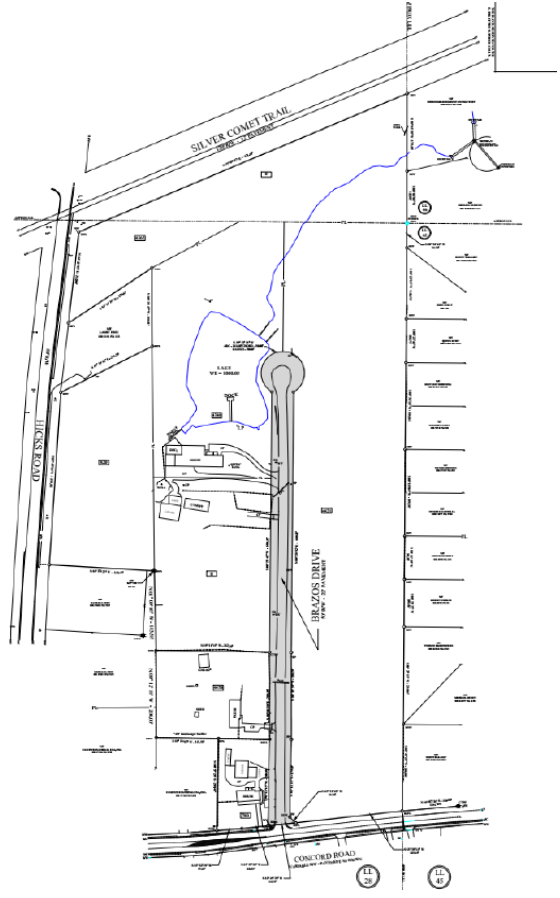
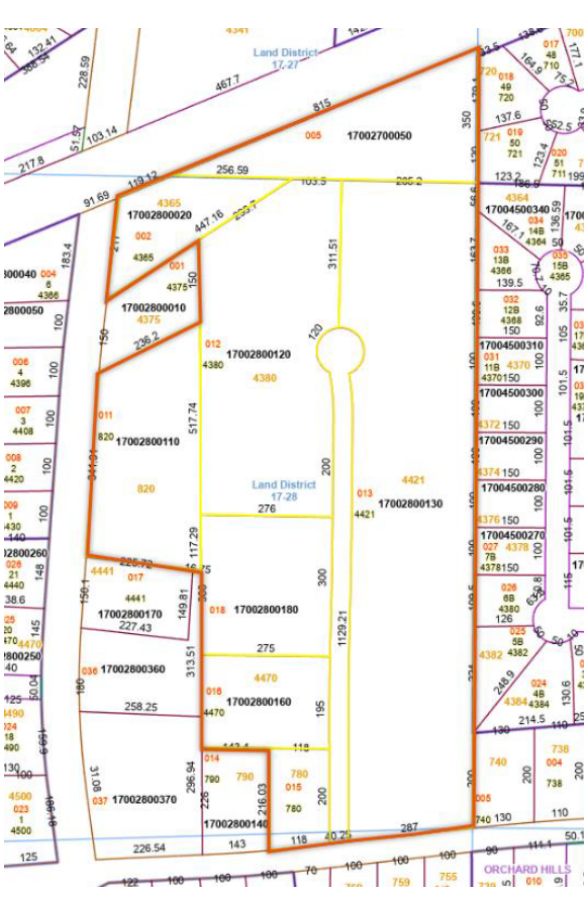


— Approx 2.281 Acres


➤ **URA Area 2 – Near Silver Comet Trail**

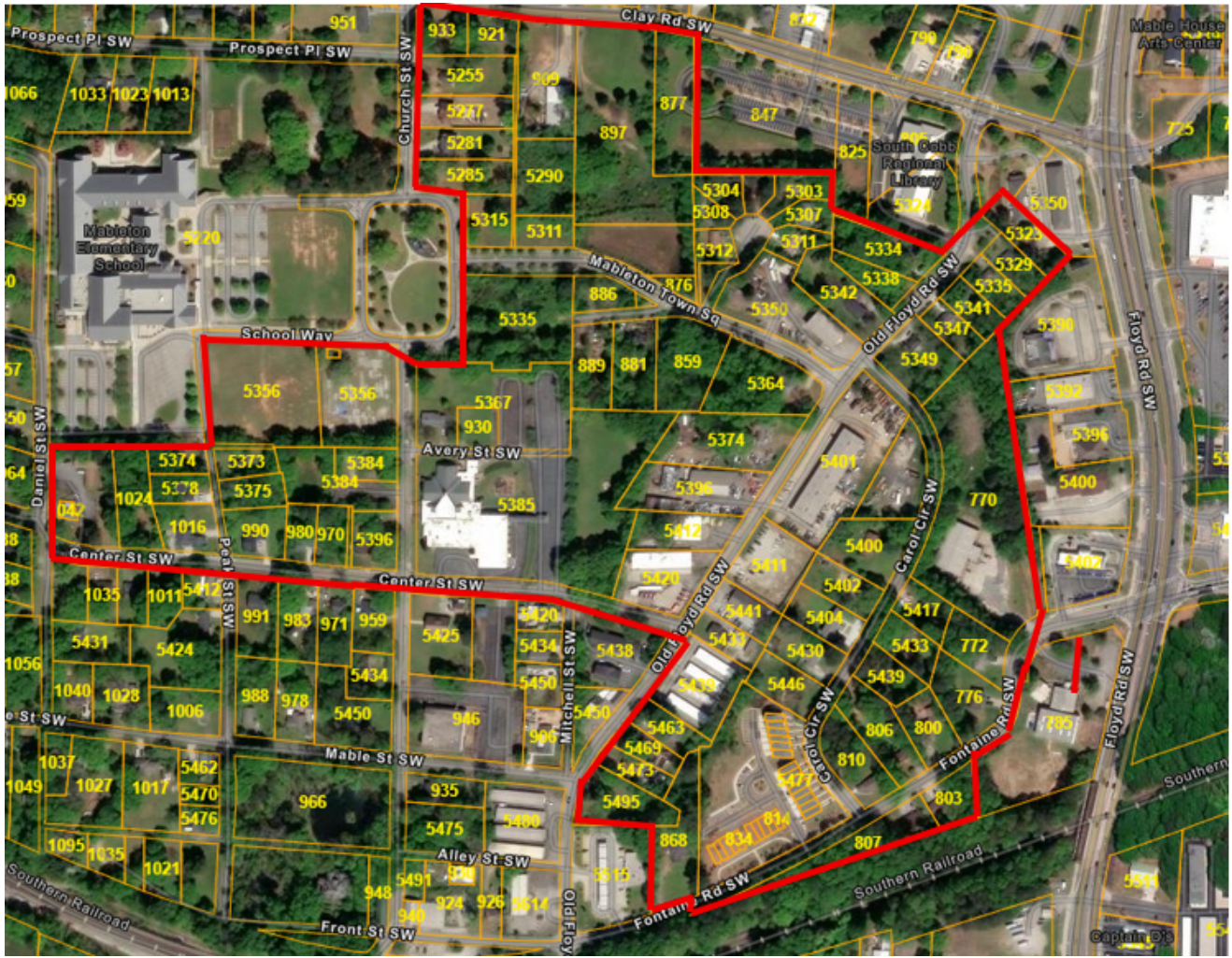
- Boundaries outlined in orange — below
- URA Area 2 is zoned Single-Family Residential District and Open Space Community Overlay
- Consists of approximately 23.105± acres located on the south side of the Silver Comet Trail, the east side of Hicks Road, the north side of Concord Road and along Brazos Drive, in the City, as more particularly identified as tax parcels: 17002800020, 17002700050, 17002800110, 17002800120, 17002800130, 17002800180, 17002800150 and 17002800160.






➤ URA Area 3 – Near Mableton Town Square

- Boundaries outlined in red  below
- URA Area 3 includes land zoned R-20, RM-12, RD, GC, NS, CF, CRC & LI
- Consists of numerous parcels located at and/or about Center St. SW, Old Floyd Rd. SW, Fontaine Rd. SW, Mableton Town Sq., Church St. SW, Clay Rd. SW, Walker Ct., Walker Dr. SW, Carol Cir. SW and Peak St., as depicted in the red outlined boundaries below:



➤ URA Area 4 – Near Lions Club Dr.

- Boundaries outlined in red  below
- URA Area 4 includes land zoned R-15, R-20, RM-12, GC, CRC, LRO, MHP/SHI & LI
- Consists of numerous parcels located at and/or about Floyd Rd. SW, Moss Dr., Lions Club Dr., US Hwy 278 and Glore Dr. SW, as depicted in the red outlined boundaries below:



**NEGATIVE CONDITIONS WITHIN THE URBAN REDEVELOPMENT AREAS**

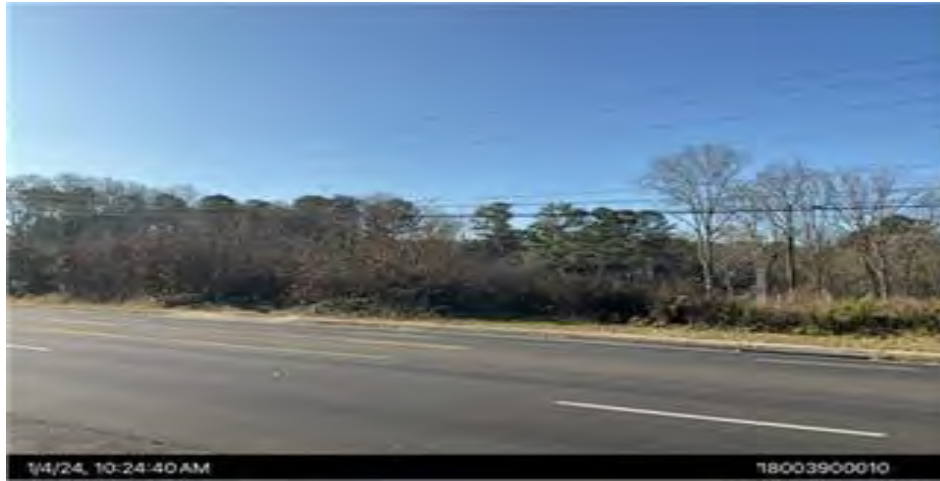
URA Areas 1, 2, 3 and 4 ~~URA Area 1 and Area 2~~ have future economic potential, however, they have been determined to consist of pockets of blight that contain: underutilized commercial land and structures; unsanitary hazardous and/or unsafe conditions, deteriorated or poorly maintained housing stock; vacant and overgrowth areas; obsolescent buildings or facilities; visual blight; substandard public infrastructure, including lack of sidewalks and pedestrian amenities, lighting, open space; inefficient street layout; and fragmented, inappropriate or commercially nonviable subdivision platting or lot layout; the high land to building value makes the properties located in URA Areas 1, 2, 3 and 4 ~~URA Area 1 and Area 2~~ economically viable for redevelopment.

**PHOTOGRAPHIC EVIDENCE**

**URA Area 1:**









**URA Area 2:**







**URA Area 3:**



**URA Area 4:**





## LAND USE OBJECTIVES

- Types of Uses
  - Land uses in URA Areas 1, 2, 3 and 4 ~~URA Area 1 and Area 2~~ and surrounding areas will be a mixture of commercial, residential, and mixed-use. The allowable land uses in URA Areas 1, 2, 3 and 4 ~~URA Area 1 and Area 2~~ are diverse enough to permit a wide range of commercial and residential uses.
- Building Requirements
  - The City of Mableton will utilize the building requirements and life-safety regulations that will be in effect under the City's Code.
- Zoning Changes
  - Zoning classifications in the Mableton Zoning Ordinance ("ZO") should be appropriate to drive redevelopment in the URA areas under this Plan. If zoning changes are proposed to individual parcels, or as amendments to the ZO or Zoning Map are made, those changes will conform to O.C.G.A. Title 36 Chapter 66, known as "The Zoning Procedures Law."
- Description of Parcels to be Acquired.
  - The City does anticipate acquiring certain property under this Plan for the purposes of promotion of the highest land uses consistent with the City's growth and Plan.

## PLAN IMPACTS

### Historic Preservation Considerations

The City of Mableton values its local history and heritage, and this Plan seeks to preserve as many historic structures as possible. No historic properties will be impacted by this Plan.

### Strategy for Relocating Displaced Residents

The City has determined that the development of a relocation strategy is not necessary nor anticipated at this time.

### Strategies for Access to Affordable Housing

Revitalization efforts in the Urban Redevelopment Area and surrounding area will focus on promoting mixed-use development and redevelopment in the City of Mableton.

### Covenants and Restrictions to be Placed on Properties

No covenants or restrictions will be placed on properties at this time. Should circumstances arise where making use of covenants and restrictions becomes necessary, this Plan will be amended.

### Strategy for Leveraging Private Resources for Redevelopment

The purpose of this Plan is to encourage private redevelopment to the greatest extent possible. Implementation of this Plan will focus on master planning efforts and funding mechanisms for necessary public infrastructure to attract increased private development. This includes local developers and community and nonprofit organizations.

**Public Infrastructure to be Provided**

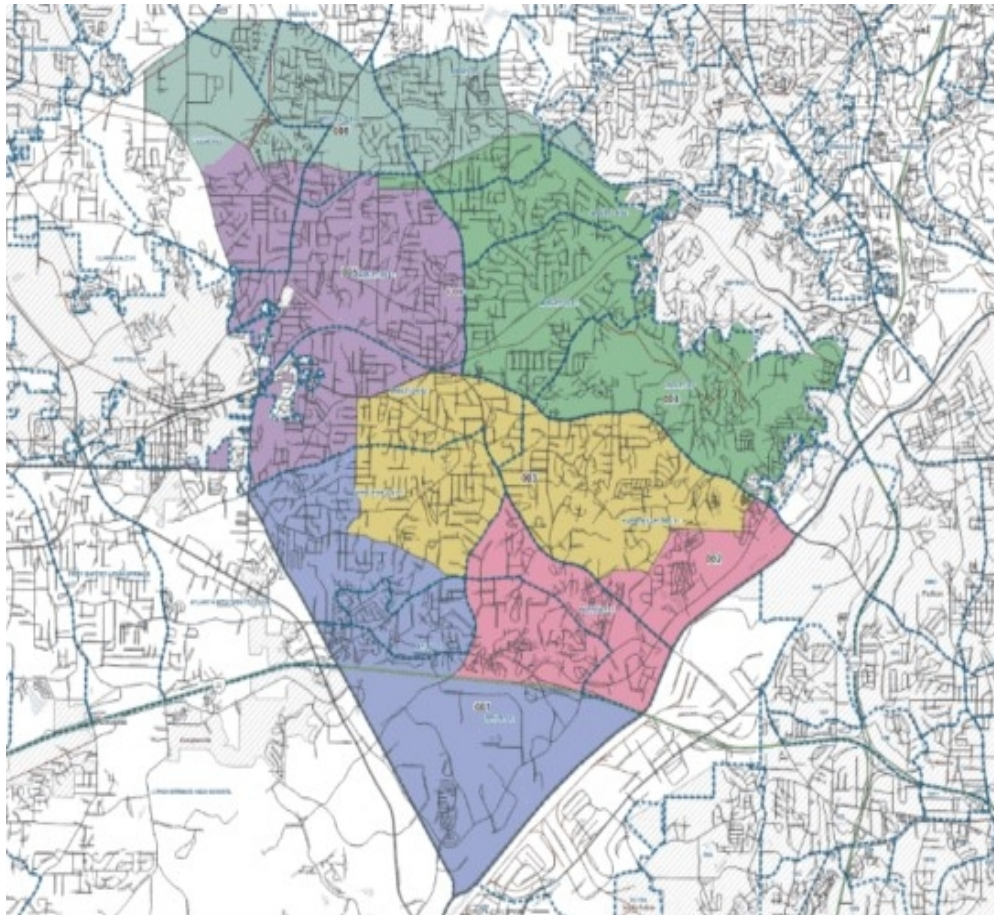
The City will work to provide the public infrastructure necessary to promote public and private redevelopment in these areas.

**PROJECT SPECIFICS**

To address the issues of runoff, vacant and overgrowth areas, substandard public infrastructure, and reduce pockets of blight within URA Areas 1, 2 and 3~~URA Area 1 and Area 2~~, and 4 to establish a passive pocket park and/or other recreational facilities and redevelopment opportunities within URA Areas 1, 2, 3 and 4 ~~URA Area 1 and Area 2~~ that will promote further positive development within the City of Mableton.

**CITY MAP**

**City of Mableton, Georgia**





## **AGENDA ITEM MEMORANDUM**

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**MEETING OF:** April 20, 2026  
**DEPARTMENT:** [DEPARTMENT]

**ISSUE/AGENDA ITEM TITLE:** REZ2026-003 (First Read) – Tax Parcel 19108000540 ( Stallion Parkway) - request to rezone 3.5 acre property from NRC to RSL for 61-unit senior housing development - Director Michael Hughes

**BACKGROUND/SUMMARY:**

**BUDGETED/FINANCIAL IMPACT – FUND:**

**RECOMMENDATION:**

**ATTACHMENTS:**

1. Rezoning\_Application Pivotal v.1 (2)
2. REZ2026-003 Staff Report
3. Draft Ord 2026 XX-XXXX
4. Stallion Dr Pwer Point 04202026 (2)



*City of Mableton, Georgia Rezoning Application and Instructions*

The City of Mableton strives to operate as a "paperless" organization. Please be advised that this application form, its required documents and any supporting information must be uploaded via the city's website and data portal.

All application information submitted is a public record and is subject to the Open Records Act. This information will be posted online. Do not include any sensitive or personal information on the application or in your submitted application packet.

**The following items are required for submitting an application for rezoning:**

1. **Rezoning Application.** (Attachment A) Original notarized signatures of titleholder(s) and representative(s) are required.
2. **Summary of Intent.** (Attachment B)
3. **Corporate Documentation.** If the titleholder(s) is a domestic or foreign corporation, then the following documentation shall also be required:  
Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:
  - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation of true facsimile thereof, as the case may be;
  - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
  - c) That the execution of the document on behalf of the corporation has been duly authorized.
4. **Disclosure Form.** Zoning Application Disclosure forms (Attachments C1 and C2) must be completed.
5. **Warranty Deed.** A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable. (Mark as Attachment D)
6. **Legal Description.** A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than is included in the application for rezoning. (Mark as Attachment E)

7. **Tax Receipt.** A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff or may be delayed or denied by the Mayor and Council. (Mark as Attachment F)
  
8. **Site Plan.** A copy of current site plan and current boundary survey drawn to scale by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. The plan must be stamped by the applicable professional. The plan must include the information listed below. If any item below is inapplicable, please explain why. (Mark as Attachment G)
  - a) north arrow,
  - b) land lot lines,
  - c) district lines,
  - d) lot lines,
  - e) angles,
  - f) total acreage,
  - g) bearing and distances,
  - h) adjoining street with right-of-way (present and proposed),
  - i) paving widths,
  - j) the exact size (dimensions and square footage) and location of all buildings along with intended use,
  - k) building setback.
  - l) Renderings or elevations illustrating all four sides of any building in .pdf or .jpg format in color and at a sufficient resolution for quality printing.
  - m) buffer areas,
  - n) parking spaces,
  - o) parking deck location,
  - p) lakes and streams,
  - q) utility easements,
  - r) limits of the 100-year flood plain and acreage of flood plain,
  - s) cemeteries,
  - t) wetlands,
  - u) access points,
  - v) architectural or archeological landmarks,
  - w) stormwater detention/retention areas,
  - x) percentage of impervious surface before and after changes are made to the property,
  - y) stream buffers with required width,
  - z) lot sizes (if property will be subdivided)
  
9. **Septic Tank Documentation.** If the property is or will be on septic tank, documentation of approval from the Cobb County Health Department (770-435-7815). (Mark as Attachment H)
  
10. **Statement of Agreeable Zoning Conditions.** List all the characteristics of the proposed development beyond the minimum requirements of the zoning category, including agreements reached with neighboring property owners and other community members and organizations. Attachment C may be used or the information may be on a form or letterhead used by the applicant or the applicant's representative. (Mark as Attachment I)

11. **Zoning Analysis.** A complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters. (Mark as Attachment J)
- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
  - (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
  - (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
  - (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
  - (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

9. **Traffic Study.** Any application for a rezoning involving a request of more than 75 residential dwelling units or 50,000 square feet of non-residential building space, in single or multiple phases, shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections) and mitigation package to address the cumulative effects from the project's impact. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

Any application for a rezoning involving a request of more than 150 residential dwelling units or 100,000 square feet of non-residential building space, in single or multiple phases, shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a 10 year scope. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission. (Mark the traffic study as Attachment K.)

These requirements shall not apply to a "Development of Regional Impact", as defined by the Georgia Department of Community Affairs or Georgia Regional Transportation Authority, as may be amended from time to time. (Attachment L)

10. Application fee for rezoning, please see attached Rezoning Fee Structure. (Attachment M) Fees must be paid by credit card or Venmo.

### **Rezoning Process Requirements**

1. **Signs.** Signs provided by the City must be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Both a zoning sign and pursuant sign must be posted for every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, including the day of the public hearings and to remain posted until the final decision by the Mayor and

Council.

2. **Mailings.** Applicants are required to provide a Certificate of Mailing that demonstrates that all property owners within a 1,000-foot radius of the subject property have been notified of the rezoning application. Applicants are encouraged to provide the letter to city staff for a cursory review prior to completing the Certificate of Mailing. The notice must be postmarked 30 calendar days prior to the Planning Commission Hearing. The applicant/representative is required to file with the Zoning Division proof of the mailing no later than 21 days prior to the Planning Commission Zoning Hearing for which the application is scheduled to be considered. Staff is authorized to continue any pending case in which the above requirements are not met. The notification must include:
  - a. A legible copy of the application and site plan
  - b. The date, time and location of the monthly public open house (see below)
  - c. Phone numbers and email addresses for the applicant and the City zoning office.
3. **Community Open House Meeting.** The applicant or their representative must attend the monthly Community Open House Meeting hosted by the City of Mableton, during which interested citizens can ask questions of both the applicant and city staff, about the application. If applications are held or continued, applicant must continue to attend the Community Open House Meetings until their application is approved or denied by the Mayor and Council. Applicants are encouraged to produce explanatory materials for these open houses. The dates, times and locations for these open houses will be updated quarterly and available for review on the city's website.
4. **Public Hearings.** The applicant or their representative must attend both the Planning Commission and Mayor and City Council zoning hearings. If the application is held or delayed by either body, there may be more than two hearings. Failure to appear at the hearing may result in denial of the application.
5. **Public Contact.** Rezoning applications are public information and will be visible on the City website, advertised in the newspaper and otherwise disseminated to the general public. Applicants and their representatives should expect communication (phone calls, emails) from members of the public and should respond to their questions and concerns with complete, factual information and courtesy.

### **List of Attachments**

Attachment A – Rezoning Application  
Attachment B – Summary of Intent for Rezoning  
Attachment C – Disclosure Statements (2)  
Attachment D – Warranty Deed  
Attachment E – Legal Description  
Attachment F – Tax Receipt  
Attachment G – Site Plan  
Attachment H – Septic Tank Documentation  
Attachment I – Statement of Agreeable Conditions  
Attachment J – Zoning Analysis  
Attachment K – Traffic Study  
Attachment L – Development of Regional Impact Development Thresholds  
Attachment M – Rezoning Fee Structure

# Application for Rezoning Mableton, Georgia

Application No. \_\_\_\_\_

PC Hearing Date: \_\_\_\_\_

M&C Hearing Date: \_\_\_\_\_

Applicant ~~Garrett Blackwell~~ Pivotal Phone# 513-646-5117  
(applicant's name printed)

Address 9100 Centre Pointe Dr., Suite 210, West Chester, OH E-mail Garrett.Blackwell@Pivotal-hp.com

Garrett Blackwell Address 9100 Centre Pointe Dr. Ste 210, West Chester, OH 45069  
(representative's name, printed)

[Signature] Phone# 513-646-5117 E-mail Garrett.Blackwell@Pivotal-hp.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public



Theresa Marie Denegar  
Notary Public, State of Ohio  
My Commission Expires: August 15, 2026

Titleholder T.D. Management, LLC Phone# (513) 618-7381 E-mail justin.tillson@tirediscounters.com  
(titleholder's name, printed)

Signature [Signature] Address 100 W. 4th Street, Cincinnati, OH 45202  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public



Justin Tillson, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 RC  
on expires: August 15, 2026

Zoning Request From NRC to RSL  
(present zoning) (proposed zoning)

For the Purpose of Apartments (Senior) Size of Tract 3.48 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location Intersection of Stallion Pkwy SW and Austell Rd  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 19108000540 District(s) 5

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

[Signature]  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

[Signature]

**(applicant's signature)**

Attachment B

Application No. \_\_\_\_\_

Summary of Intent for Rezoning

-----  
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 57,000 sq ft Col-Units
- b) Proposed building architecture: 3-Story Elevator Oriented all up (see site Plan Attached)
- c) List all requested variances: Variance to exclude first floor commercial requirements. Rezoning and/or variances to allow use of proposed development.

-----  
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): \_\_\_\_\_
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed hours/days of operation: \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Attachment C1

## PROPERTY/FINANCIAL DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

(A separate form must be completed by each applicant\* - please see definition below)

Does any member of the Mayor and Council or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? No

\_\_\_\_\_

If so, describe the nature and extent of such interest: No

\_\_\_\_\_

Does any member of the Mayor and Council or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? No

If so, describe the nature and extent of such interest: \_\_\_\_\_

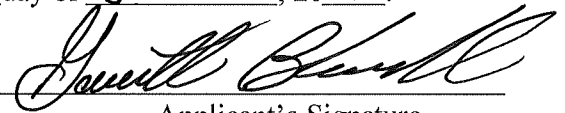
\_\_\_\_\_

Does any member of the Mayor and Council or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? No

If so, describe the relationship and the nature and extent of such interest: \_\_\_\_\_

\_\_\_\_\_

I certify that the foregoing information is true and correct, this 30 day of Jan., 20 26.



Applicant's Signature

<sup>1</sup>If the answer to any question is "Yes," then the Mayor or the member of the Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action

## Attachment C2

### CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

(A separate form must be completed by each applicant\* - please see definition below)

Has the applicant<sup>2</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

No

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of Mableton within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made: N/A

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: N/A

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application: N/A

I certify that the foregoing information is true and correct, this 30 day of Jan., 20 26.

  
Applicant's Signature

<sup>1</sup>If the answer to any question is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the City Council of Mableton, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

<sup>2</sup>Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

## Attachment H

### STATEMENT OF AGREEABLE ZONING CONDITIONS

Purchaser (Applicant) reserves/requests the right to rezone the property with the following conditions

- 1) Purchaser shall rezone the site in a manner that the zoning would revert to the current zoning, should purchaser not receive tax credit award.
- 2) Purchaser shall include the existing use of the property within the rezoning to preserve the current uses of the property.

Summary of Intent  
City of Mableton  
Re: Rezoning Application

Dear Members of the Evaluation Committee:

**Proposed Rezoning:** Neighborhood Retail Commercial (NRC) to Residential Senior Living (RSL)

**Future Land Use Designation:** Neighborhood Activity Center (NAC)

**Proposed Development:** Approximately 61-unit, age-restricted (55+) independent senior living community

### **Overview and Request**

This application respectfully requests approval to rezone the subject property from NRC to RSL to allow for the development of an approximately 61-unit independent senior living community restricted to residents aged 55 and older.

The proposed rezoning is consistent with the City of Mableton Zoning Code and aligns directly with the Neighborhood Activity Center (NAC) future land use designation. The RSL district is permitted within NAC and is specifically intended to accommodate age-restricted residential communities in areas served by infrastructure and proximate to services. Approval of this request will allow the property to be developed in a manner that is fully aligned with the City's adopted planning framework.

### **Development Intent and Community Need**

The intent of the proposed development is to provide high-quality, professionally managed, independent senior housing that supports aging in place within the City of Mableton. The community will consist of approximately 61 residential units designed for active adults aged 55 and older.

Importantly, while the RSL district requires a minimum of 25% of the units to be affordable, this development will significantly exceed that requirement by providing 100% of the units as income-restricted to 80% or below of the areas median income. This commitment demonstrates a strong investment in meeting the housing needs of seniors on fixed or limited incomes and directly supports the City's goals related to housing accessibility and affordability.

As Mableton continues to grow and establish its identity as a new city, there is an increasing need for diverse housing options that allow long-time residents to remain in the community as they age. This project responds to that need by offering safe, stable, and attainable housing specifically tailored to older adults.

### **Compatibility and Responsible Development**

The proposed senior independent living community is residential in character and generally less intensive than conventional multifamily development. Because the community is restricted to

residents aged 55 and older, it will:

- Generate fewer peak-hour traffic trips;
- Create no impact on local school enrollment;
- Operates as a quiet, professionally managed residential community.

The development will comply with all RSL district requirements, including setbacks, buffers, parking, ratios, accessibility standards, and site design criteria. The project will be thoughtfully designed to ensure compatibility with surrounding properties and to enhance the overall character of the area.

### **Consistency with the Comprehensive Plan**

The Neighborhood Activity Center (NAC) future land use designation encourages a mix of housing types, moderate to higher-density residential development, and efficient use of land and infrastructure within activity centers. The proposed RSL zoning classification is permitted within NAC and directly supports this policy direction.

The project advances several key goals of the Our Mableton Comprehensive Plan, including:

- Expanding housing diversity;
- Supporting aging in place;
- Increasing affordable housing opportunities;
- Directing appropriate density to designated activity centers.

By delivering a 100% affordable senior housing community within an NAC area, the project represents exactly the type of targeted, policy-driven growth envisioned by the City.

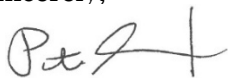
### **Commitment to Mableton**

This rezoning request reflects a long-term commitment to investing in the City of Mableton and providing housing that serves its residents. The proposed development will reinvest in the property, strengthen the local housing inventory, and contribute to the City's broader goals of sustainable growth and community stability.

Approval of the requested rezoning from NRC to RSL will allow development that is fully consistent with the zoning ordinance, aligned with the Comprehensive Plan, and responsive to the demonstrated need for affordable senior housing.

For these reasons, Pivotal respectfully requests approval of this rezoning application.

Sincerely,



Pete Schwiegeraht  
Senior Vice President of Development  
Pivotal Housing Partners

Summary of Intent  
City of Mableton  
Re: Rezoning Application

Dear Members of the Evaluation Committee:

**Proposed Rezoning:** Neighborhood Retail Commercial (NRC) to Residential Senior Living (RSL)

**Future Land Use Designation:** Neighborhood Activity Center (NAC)

**Proposed Development:** Approximately 61-unit, age-restricted (55+) independent senior living community  
City of Mableton

### Overview and Request

This application respectfully requests approval to rezone the subject property from Neighborhood Retail Commercial (NRC) to Residential Senior Living (RSL – Nonsupportive Urban Rental Units) to allow for the development of an approximately 61-unit independent senior living community restricted to residents aged 55 and older.

Specifically, this application seeks approval under the **RSL District for Nonsupportive Urban Rental Units**, as established in the City of Mableton Zoning Code. The nonsupportive RSL classification is intended to provide locations for mid-rise residential development serving individuals age 55 and older, without the provision of medical, assisted living, or supportive care services. This district is designed to accommodate independent rental housing for active seniors who are capable of living independently but seek age-restricted housing in a professionally managed residential environment.

The proposed rezoning is consistent with the City of Mableton Zoning Code and aligns directly with the Neighborhood Activity Center (NAC) future land use designation. The RSL district is permitted within NAC and is specifically intended to accommodate higher-density, age-restricted housing in areas served by existing infrastructure and proximate to services. Approval of this request will allow the property to be developed in a manner that is fully aligned with the City's adopted planning framework.

### Clarification of Nonsupportive Use

The proposed development will operate strictly as a **nonsupportive independent senior rental community**. This means:

- The community will not provide assisted living, memory care, or nursing services;
- No medical or supportive care services will be provided on-site as part of the residential use;
- Units will function as independent rental apartments for residents aged 55 and older;
- Residents will live independently and are not required to receive supportive services.

The nonsupportive RSL classification is distinct from supportive senior housing or institutional uses. It is residential in character and functions similarly to multifamily housing, with the primary distinction being the 55+ age restriction and compliance with specific RSL district

standards, including affordability requirements, parking ratios, buffers, and accessibility features.

This distinction is important because the proposed use does not introduce the operational characteristics typically associated with assisted living facilities or healthcare institutions. Rather, it provides stable, independent housing in a residential format consistent with the surrounding built environment.

### **Development Intent and Community Need**

The intent of the proposed development is to provide high-quality, professionally managed independent senior housing that supports aging in place within the City of Mableton. The community will consist of approximately 61 residential units designed for active adults aged 55 and older who desire an independent living environment.

Importantly, while the RSL district requires a minimum of 25% of the units to be affordable, this development will significantly exceed that requirement by providing **100% of the units as income-restricted to households earning at or below 80% of the Area Median Income (AMI)**. This commitment reflects a strong investment in addressing the housing needs of seniors on fixed or limited incomes and directly supports the City's goals related to housing accessibility and affordability.

As Mableton continues to grow and establish its identity as a newly incorporated city, there is an increasing need for diverse housing options that allow long-time residents to remain in the community as they age. This project responds directly to that need by offering safe, stable, attainable housing specifically tailored to older adults.

### **Compatibility and Responsible Development**

The proposed senior independent living community is residential in character and generally less intensive than conventional multifamily development. Because the community is restricted to residents aged 55 and older and will operate as a nonsupportive independent rental development, it will:

- Generate fewer peak-hour traffic trips;
- Create no impact on local school enrollment;
- Operate as a quiet, professionally managed residential community;
- Avoid the operational impacts associated with medical or institutional facilities.

The development will comply with all RSL district requirements, including minimum tract size, impervious surface limitations, required landscaped buffers and setbacks, parking ratios of 1.25 spaces per unit, accessibility standards, pedestrian connectivity, and site plan approval by Mayor and Council.

The project will be thoughtfully designed to ensure compatibility with surrounding properties and to enhance the overall character of the area while maintaining the residential nature intended under the nonsupportive RSL district.

### **Consistency with the Comprehensive Plan**

The Neighborhood Activity Center (NAC) future land use designation encourages a mix of housing types, moderate- to higher-density residential development, and efficient use of land and infrastructure within activity centers. The proposed RSL nonsupportive zoning classification is permitted within NAC and directly supports this policy direction. The project advances several key goals of the Our Mableton Comprehensive Plan, including:

- Expanding housing diversity;
- Supporting aging in place;
- Increasing affordable housing opportunities;
- Directing appropriate density to designated activity centers;
- Encouraging well-designed residential development that transitions appropriately to surrounding uses.

By delivering a 100% affordable senior housing community within an NAC area under the nonsupportive RSL district, the project represents exactly the type of targeted, policy-driven residential growth envisioned by the City.

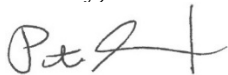
### **Commitment to Mableton**

This rezoning request reflects a long-term commitment to investing in the City of Mableton and providing housing that serves its residents. The proposed development will reinvest in the property, strengthen the local housing inventory, and contribute to the City's broader goals of sustainable growth and community stability.

Approval of the requested rezoning from NRC to RSL (Nonsupportive Urban Rental Units) will allow development that is fully consistent with the zoning ordinance, aligned with the Comprehensive Plan, and responsive to the demonstrated need for affordable, independent senior housing.

For these reasons, Pivotal respectfully requests approval of this rezoning application.

Sincerely,



Pete Schwiegeraht  
Senior Vice President of Development  
Pivotal Housing Partners

**Please Return to:**  
REGINALD A. HUDSPETH LLC  
1325 Satellite Blvd NW  
Bldg 100, Ste 101  
Suwanee GA 30024  
Attn: Reginald Hudspeth

File: 22-0548

**Cobb County APN: 19-1080-0-054-0**

### **LIMITED WARRANTY DEED**

THIS INDENTURE is made as of the ~~17th~~ 18th day of December, 2022, by and between **CRAIGAL PROPERTY LLC**, a Georgia limited liability company, as party of the first part, hereinafter referred to as "Grantor", and **T.D. MANAGEMENT LTD.**, an Ohio limited liability company, as party of the second part, hereinafter referred to as "Grantee", whose address is 200 West Fourth Street, Cincinnati, Ohio 45202, the words "Grantor" and "Grantee" to include the neuter, masculine, and feminine genders, the singular and the plural.

#### **WITNESSETH:**

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does GRANT, BARGAIN, SELL, CONVEY, and ASSIGN unto Grantee and the legal representatives, successors, and assigns of Grantee, all that certain real property, together with all hereditaments and appurtenances thereunto belonging or in any way appertaining (the "Land"), situated described as:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1080 and 1081 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia and being and being more fully described in Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD the Land, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever IN FEE SIMPLE.

GRANTOR SHALL WARRANT AND FOREVER DEFEND, the right and title to the Property unto Grantee and the legal representatives, successors, and assigns of Grantee, against every person whomsoever lawfully claiming, or to claim, the same or any part thereof by, through, or under Grantor, but not otherwise, subject only to those matters shown on Exhibit "B" attached hereto and incorporated herein.

*[REMAINDER OF PAGE IS BLANK -- SIGNATURE PAGE FOLLOWS]*

IN WITNESS WHEREOF, Grantor has signed and sealed this Limited Warranty Deed as of the date first written above.

Signed, sealed and delivered  
in the presence of:

AKR 112  
Witness

Andrea L. Simpson  
Notary Public

My Commission Expires: 6/1/2024

[NOTARIAL SEAL]  
Andrea L. Simpson  
NOTARY PUBLIC  
Fulton County, GEORGIA  
My Commission Expires 06/01/2024

**CRAIGAL PROPERTY LLC,**  
a Georgia limited liability company,

By [Signature] (SEAL)  
Name: ALAN DOBRIK  
Title: MANAGER

**Exhibit "A" – Legal description**

All that tract or parcel of land lying and being in Land Lots 1080 and 1081 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia being Lot 2 consisting of 3.48 acres ±, as shown per Final Plat for Butler Tire Company prepared by Perimeter Surveying & Development Company, dated February 21, 2008, filed for record June 10, 2008, and recorded in Plat Book 271, Page 1-2, Cobb County, Georgia records.

**Exhibit "B" – Permitted Exceptions**

1. Taxes or assessments not yet due and payable in 2023 or subsequent years.
2. Right of Way Deed and relinquishment of access rights except at such designated points from First National Bank of Atlanta to Department of Transportation, dated January 17, 1986, filed and recorded March 26, 1986, in Deed Book 3869 Page 325, Cobb County, Georgia records.
3. Right of Way Deed and relinquishment of access rights except at such designated points from Alan Dubrin d/b/a Butler Tire Co. to Department of Transportation, dated July 22, 1986, filed and recorded July 30, 1986, in Deed Book 4050 Page 320, aforesaid records.
4. Conveyance of Access Rights from Butler Investments, Inc. to Department of Transportation, State of Georgia, dated February 27, 1989, filed and recorded March 3, 1989, in Deed Book 5259 Page 448, aforesaid records.
5. Conveyance of Access Rights from Butler Investments, Inc. to Department of Transportation, State of Georgia, dated February 27, 1989, filed and recorded March 3, 1989, in Deed Book 5259 Page 450, aforesaid records.
6. Boundary Line Agreement by and between Stallion Parkway Properties, LLC and M.A.T. Investments, LLC, dated May 5, 2010, filed and recorded June 1, 2010, in Deed Book 14775 Page 139, aforesaid records.
7. Right of Way Easement from MAT Investments LLC, a Georgia limited liability company to GreyStone Power Corporation, dated December 18, 2015, filed and recorded August 24, 2016, in Deed Book 15367 Page 6186, aforesaid records.
8. Matters shown per plats of survey recorded aforesaid records:
  - (a) Plat Book 269 Pages 99-100.
  - (b) Plat Book 271 Pages 1-2.

## Tax Search and Pay

### Search




8 records returned

### Search Tips

You can search for Names, Addresses and Parcel Numbers. Just start typing!

#### IMPORTANT NOTICE:

**Temporary Online Payment Update (Jan. 16-28, 2026)**

Due to security and technology upgrades, online payments will require assistance from a customer service representative during this period. Property records and payment receipts remain available. Call 770-528-8600 for payment assistance.

### Status

- Paid (7)
- N/A (1)

### Type

- Parcel (8)

### Years

- 2025 (1)
- 2024 (1)
- 2023 (1)
- 2022 (1)
- 2021 (1)
- 2020 (2)
- 2019 (1)

### Bill Type

- Original (7)
- Adjusted (1)

Status	Owner Name	Year	Parcel ID	Address	Bill Type	Paid	Due	
<input checked="" type="checkbox"/>	TD MANAGEMENT LTD	2025	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	TD MANAGEMENT LTD	2024	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	TD MANAGEMENT LTD	2023	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	M A T INVESTMENTS LLC	2022	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	M A T INVESTMENTS LLC	2021	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>
<input type="checkbox"/>	M A T INVESTMENTS LLC	2020	19108000540	STALLION PKWY	Original	🔗 N/A	N/A	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	M A T INVESTMENTS LLC	2020	19108000540	STALLION PKWY	Adjusted	✓ Paid	\$0.00	<input type="button" value="View"/>
<input checked="" type="checkbox"/>	M A T INVESTMENTS LLC	2019	19108000540	STALLION PKWY	Original	✓ Paid	\$0.00	<input type="button" value="View"/>

#### Contact

Cobb County Tax  
Commissioner's Office

#### Motor Vehicle Division

PO Box 100128  
Marietta, GA 30061-7028  
Phone 770-528-8600  
Email us: [tags@cobbtax.gov](mailto:tags@cobbtax.gov)

#### Property Tax Division

PO Box 100127  
Marietta, GA 30061-7027  
Phone 770-528-8600  
Email us: [tax@cobbtax.gov](mailto:tax@cobbtax.gov)

#### About Us

Carla Jackson  
Tax Commissioner

Heather Walker  
Chief Deputy

#### Quick Links

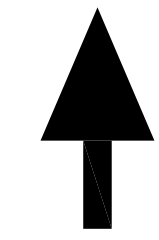
- Renew Tags
- Online Forms
- Homestead Exemptions
- Delinquent Taxes
- Contact Us

#### Disclaimer

Online transactions are securely processed by PayPal. All payments made with a card or PayPal will incur transaction fees. The fee percentage varies per payment method and applies to both credit and debit card payments. Cobb County does not retain any portion of the fees.

#### Delinquent Payoffs

Please contact us directly at (770) 528-8623 if you have delinquent payoff amount(s). There may be additional penalties, interest, or fees that are not reflected.



NORTH  
1"=30'

DATE  
1/30/26

LOCATION:  
0 STALLION PKWY  
(PARCEL # 19108000540)

SIZE:  
3.48 TOTAL ACRES +/-

OWNER:  
TD MANAGEMENT LTD  
200 W 4TH STREET  
CINCINNATI, OH 45202

APPLICANT:  
PIVOTAL  
9100 CENTRE POINTE DR, SUITE 210  
WEST CHESTER, OH 45069

APPLICANT CONTACT:  
PETE SCHWIEGERAHT  
513-259-7657

REQUEST:  
REZONING

PROPOSED USE:  
61 UNITS - MULTI-FAMILY HOUSING

ZONING:  
EXISTING ZONING = NRC  
PROPOSED ZONING = ████ RSL

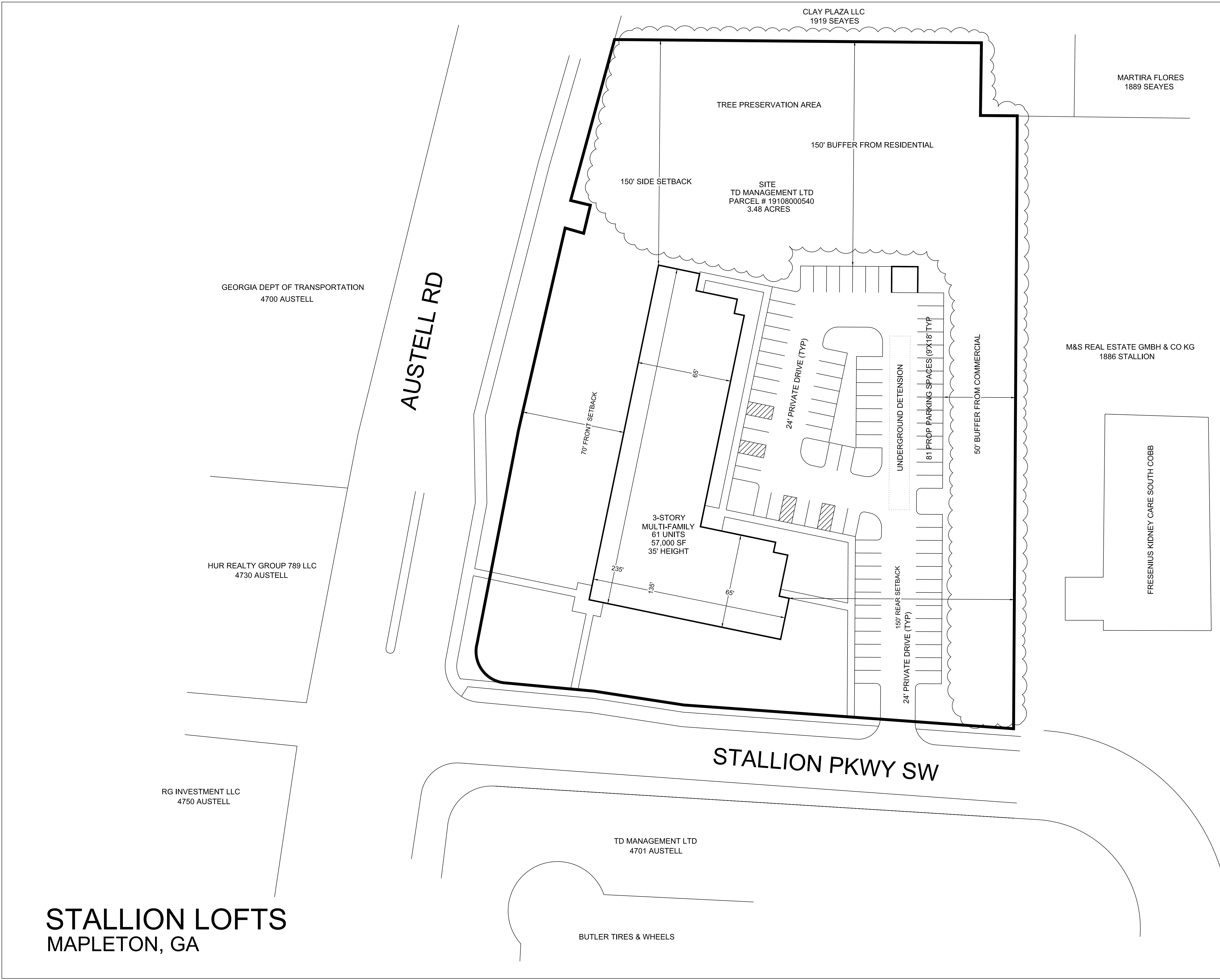
SETBACKS:  
70' FRONT  
150' SIDE  
50' REAR

BUILDING HEIGHT:  
3-STORY (55')

PARKING PROVIDED:  
81 SPACES

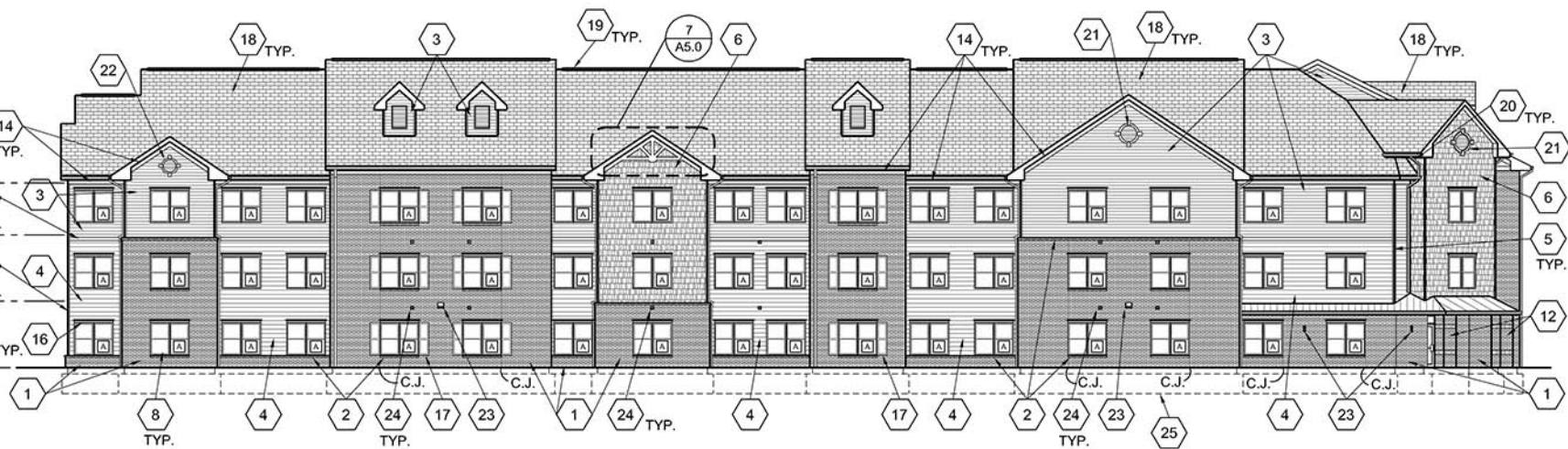
IMPERVIOUS SURFACE CALC:  
50,500 SF IMPERVIOUS SURFACE  
151,588 ST TOTAL LOT AREA  
66% GREEN SPACE

UTILITIES:  
CONNECT TO EX WATER MAIN IN  
AUSTELL RD  
CONNECT TO EX SANITARY SEWER  
MAIN IN AUSTELL RD

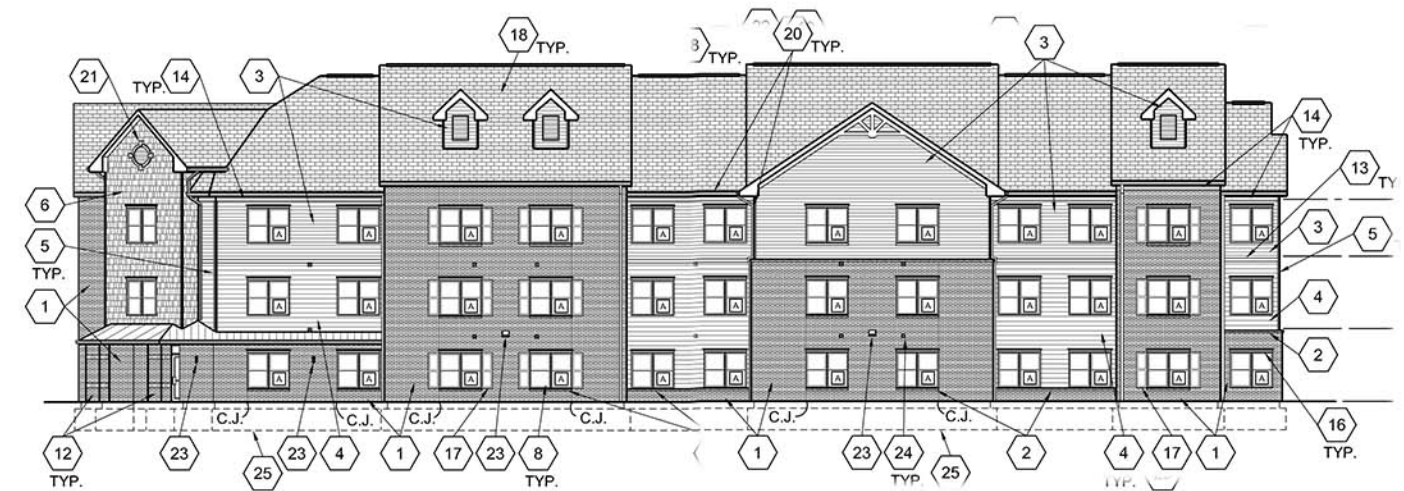


# STALLION LOFTS MAPLETON, GA

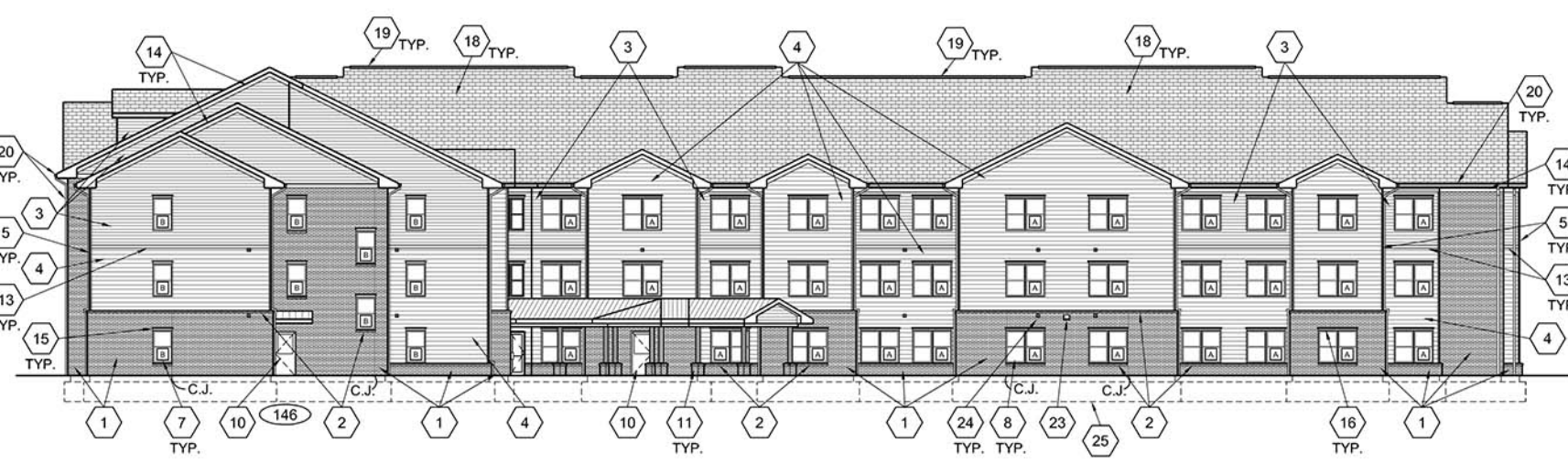




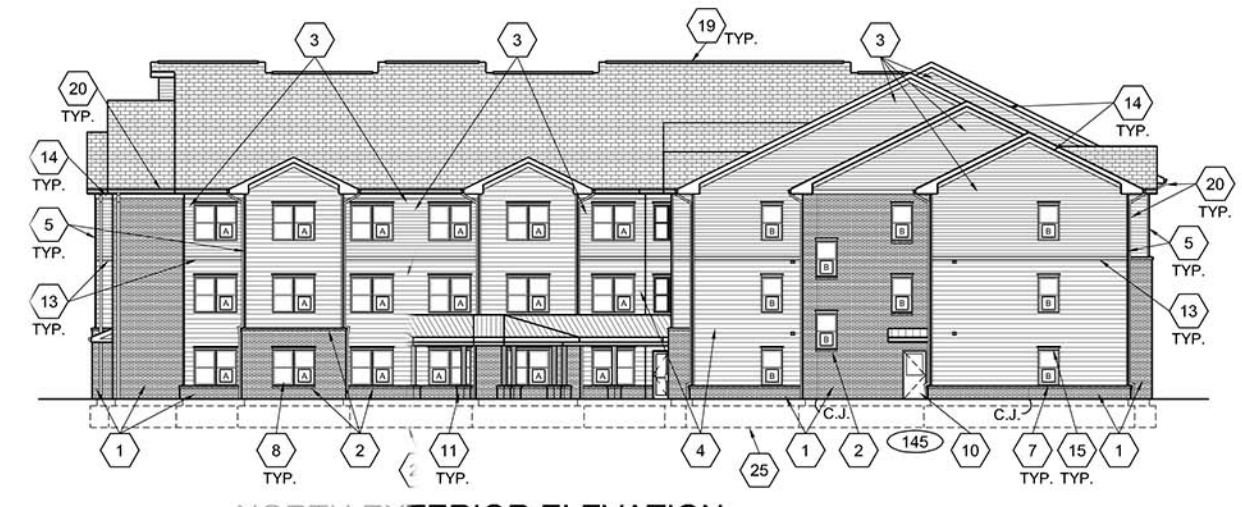
1 WEST EXTERIOR ELEVATION  
 A1.0 SCALE: 1/16" = 1'-0"



2 SOUTH EXTERIOR ELEVATION  
 A1.0 SCALE: 1/16" = 1'-0"



3 EAST EXTERIOR ELEVATION  
 A1.0 SCALE: 1/16" = 1'-0"



4 NORTH EXTERIOR ELEVATION  
 A1.0 SCALE: 1/16" = 1'-0"



Attachment K

<b>Developments of Regional Impact Development Thresholds</b>					
<b>Type of Development</b>	<b>Notification Only</b>	<b>Rural and Developing Rural</b>	<b>Maturing Neighborhoods, Established Suburbs, Developing Suburbs, and other places not mentioned in this table</b>	<b>Regional Centers, and Regional Employment Corridors</b>	<b>Region Core</b>
(1) Office	400,000 gross square feet	400,000 gross square feet	500,000 gross square feet	600,000 gross square feet	700,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	300,000 gross square feet	400,000 gross square feet	500,000 gross square feet	600,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet	500,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms
(8) Mixed Use	Gross square feet of 400,000 or more (with residential units calculated at either 1800 square feet per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	400,000 gross square feet (with residential units calculated at 1800 square feet per unit, or the minimum allowed by the host local government)	500,000 gross square feet (with residential units calculated at 1500 square feet per unit, or the minimum allowed by the host local government)	600,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)	700,000 gross square feet (with residential units calculated at 1000 square feet per unit, or the minimum allowed by the host local government)
(9) Airports	All new airports, runways and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more

(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+
(11) Post-Secondary School	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility within 1 mile of public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(14) Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply

(16) Water Supply Intakes/Public Wells/Reservoirs/Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
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(17) Intermodal Terminals	New Facilities	New facilities	New facilities	New facilities	New facilities
(18) Truck Stops	A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces
(19) Correctional/Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips
(20) Any other development types not identified above (includes parking facilities)	1000 parking spaces or, if available, more than 5,000 daily trips generated	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips

# Attachment L



## REZONING FEE STRUCTURE

Acres/Square Footage	Single-Family Residential (R-80, R-40, R-30, R-20, R-15, CS)	Medium/High Density Residential (RD, RA-5, SC, RM-8, RSL, FST, RM-12, MHPS, MHP)	Commercial, Industrial, Office (LRO, NRC, LRC, OI, UVC, PVC, CRC, OMR, OS, PSC, TS, GC, LI, HI)
0 – 5 Acres	\$ 500	\$ 750	\$1,000
5 – 10 Acres	\$1,000	\$1,500	\$2,000
10 – 20 Acres	\$1,500	\$2,000	\$2,500
20 – 100 Acres	\$2,000	\$2,500	\$3,000
100 + Acres	\$2,500 + \$25 per acre	\$3,000 + \$25 per acre	\$3,500 + \$25 per acre
0 to 20,000 sq. ft.		\$ 700	\$ 900
20,001 to 50,000 sq. ft.		\$1,200	\$1,500
50,001 to 100,000 sq. ft.		\$1,500	\$1,800
100,001 to 500,000 sq. ft.		\$2,000	\$2,200
500,001 + sq. ft.		\$2,000 + \$90 per 100,000 sq. ft.	\$2,200 + \$ 115 per 100,000 sq. ft.

NOTE: The **maximum** fee for any rezoning application \$10,000. Fees must be paid by credit card or Venmo.

*(Effective September 11, 2001)* Any single-family residential rezoning application being filed for the sole purpose of changing the zoning classification to reflect the existing lot sizes(s) and/or lot configuration, that proposes no increase in density or additional development activities, will be charged an application fee of \$100.00 plus a refundable \$300.00 sign bond plus a non-refundable fee of \$15.00 per sign issued by Mableton Community Development Staff.

The fee for medium/high density residential, commercial, industrial, or office rezoning applications will be based on the total number of acres being rezoned or the total square footage

of the proposed building(s) on the rezoning site, **whichever fee is greater.**

There is also a **deposit fee of \$300.00** for sign(s), which will be refunded if the sign(s) are returned within **thirty (30)** days after the final decision by the Mayor and Council plus a non-refundable fee of \$15.00 per sign issued by Mableton Community Development Staff.



City of Mableton  
 Community Development | Planning and Zoning Division  
 6116 Mableton Parkway, Suite144  
 Mableton, GA 30126  
 (470) 417-4220  
 www.mableton.gov

**PLANNING COMMISSION STAFF REPORT – REZONING APPLICATION**  
 Public Hearing Date: April 2<sup>nd</sup>, 2026

**Case Number:** REZ 2026-03

**Current Zoning:** Neighborhood Retail Commercial (NRC)

**Proposed Request:** Rezoning from Neighborhood Retail Commercial (NRC) to Residential Senior Living District (RSL) for the purpose of developing a Senior Living Community (Urban Rental Units).

**Staff Recommendation:** *DENIAL*.

**APPLICANT & PROPERTY INFORMATION**

**Name:** PIVOTAL LLC

**Property Address:** 0 Stallion Parkway SW

**City/State:** Mableton

**Acreage:** 3.48

**District:** 5, Council member T.J Ferguson

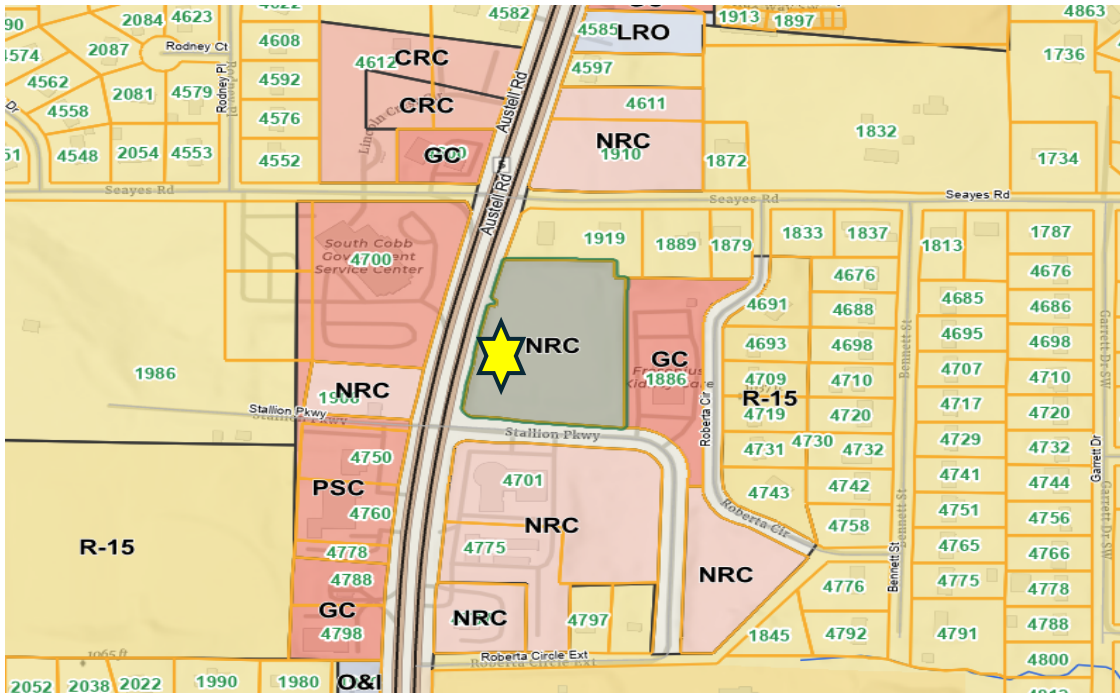
**Parcel Identification:** 19108000540

**Future Land Use:** Neighborhood Activity Center, NAC

**PURPOSE OF REQUEST**

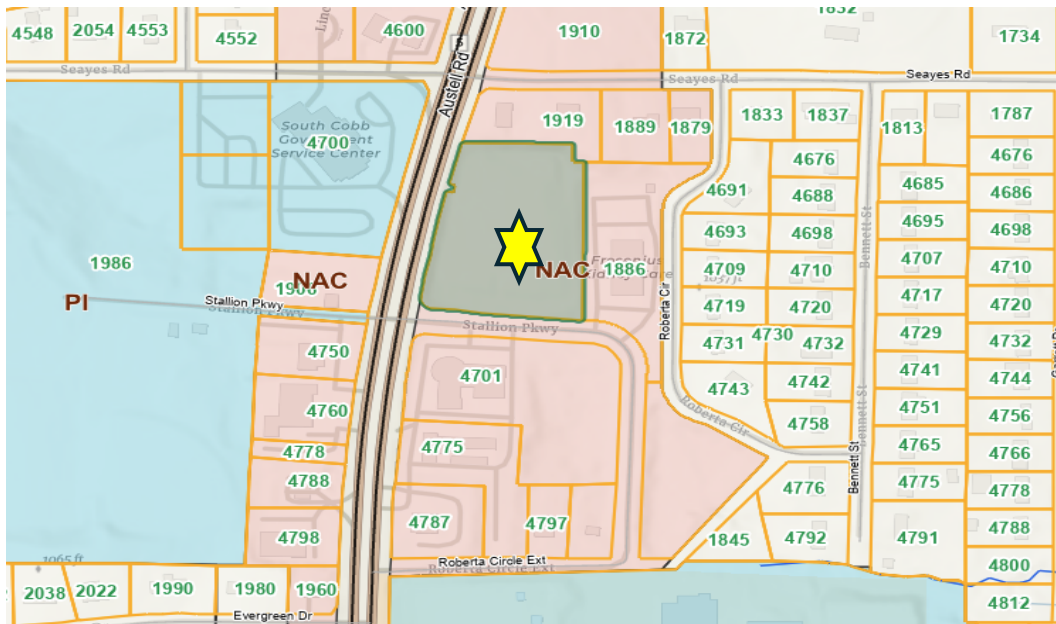
The applicant, Pivotal (represented by Garrett Blackwell), is requesting to rezone the subject property, consisting of 3.48 acres located at the intersection of Stallion Parkway SW and Austell Road, from Neighborhood Retail Commercial (NRC) to Residential Senior Living (RSL). The intent of the application is to develop an approximately 61-unit senior living community consisting of a 3-story multi-family building for Non-Supportive Urban Rental.

## ZONING MAP (NRC- Zoning District)



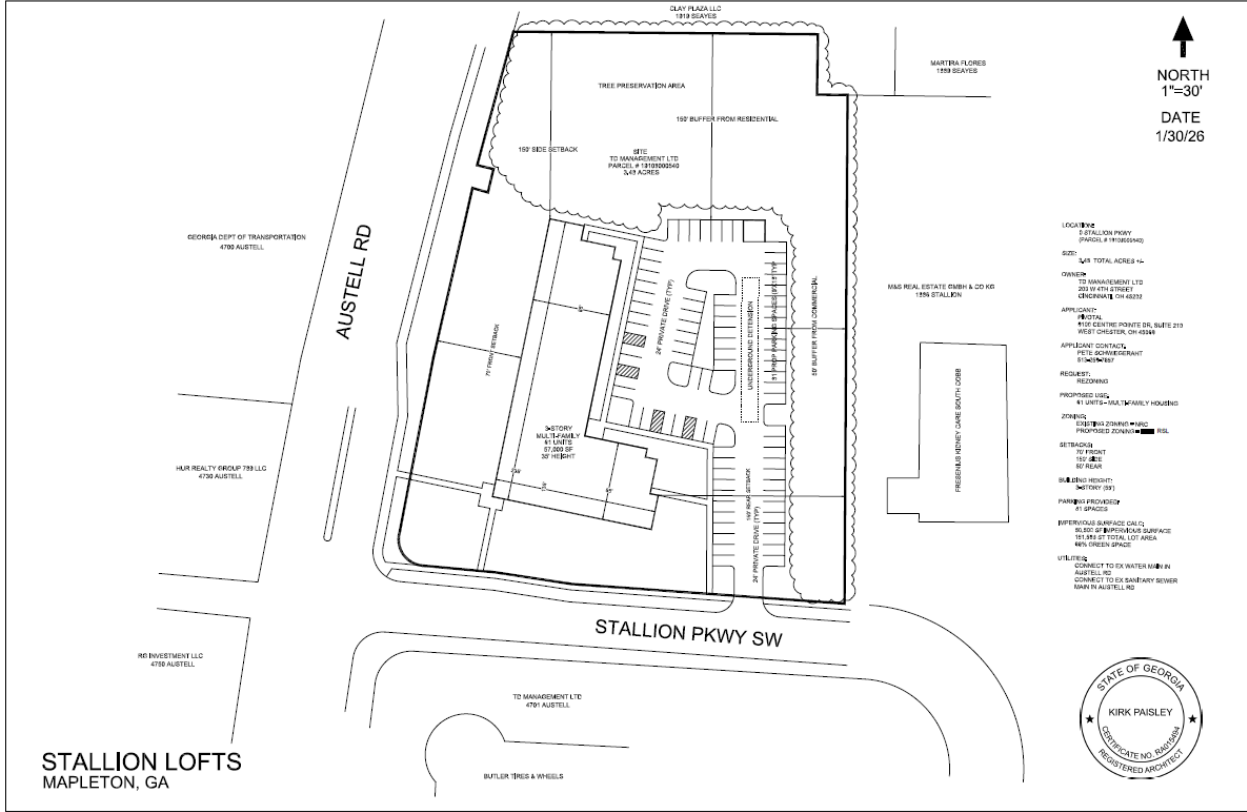
**Star: Location of Subject Property**

## FUTURE LAND USE MAP (Neighborhood Activity Center, NAC)

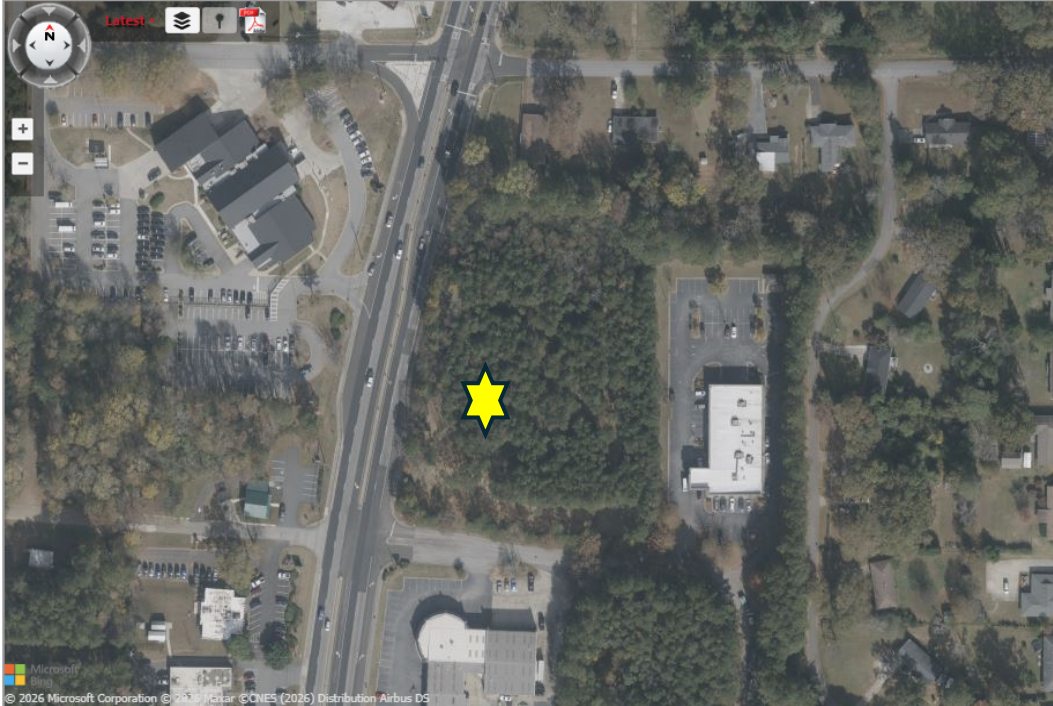


# Star: Location of Subject Property

## SITE PLAN



## AERIAL MAP



**Star: Location of Subject Property**

## SITE ANALYSIS

The property's Future Land Use Map (FLUM) designation is Neighborhood Activity Center (NAC). The Neighborhood Activity Center (NAC) category is intended to provide areas that serve neighborhood residents and businesses. Typical land uses include small offices, limited retail uses, and grocery stores. Per the Mableton Zoning Code, the RSL district is specifically designed to be located within properties delineated as a Neighborhood Activity Center (NAC) or Community Activity Center (CAC)

The subject property is bounded to the north by Single-Family Residential (R-15), to the east by General Commercial (GC), and to the south by Stallion Parkway. The site is currently an undeveloped, wooded parcel. The property fronts Austell Road. While the parcel itself is NRC, surrounding zoning districts within a 1-mile radius feature:

NRC (Neighborhood Retail Commercial) GC (General Commercial) PSC (Planned Shopping Center) O&I (Office & Institutional) and R-15 (Single-Family Districts)

A 3-story multi-family (61 units) garden walk-up building totaling approximately 57,000 square feet. The community is intended for general occupancy by adults aged 55 and older. The site plan confirms connections to existing water and sanitary sewer mains located in Austell Road

The RSL district requires a minimum of 25% affordable units, this application proposes 100% of units as income-restricted to 80% or below the Area Median Income (AMI). The primary

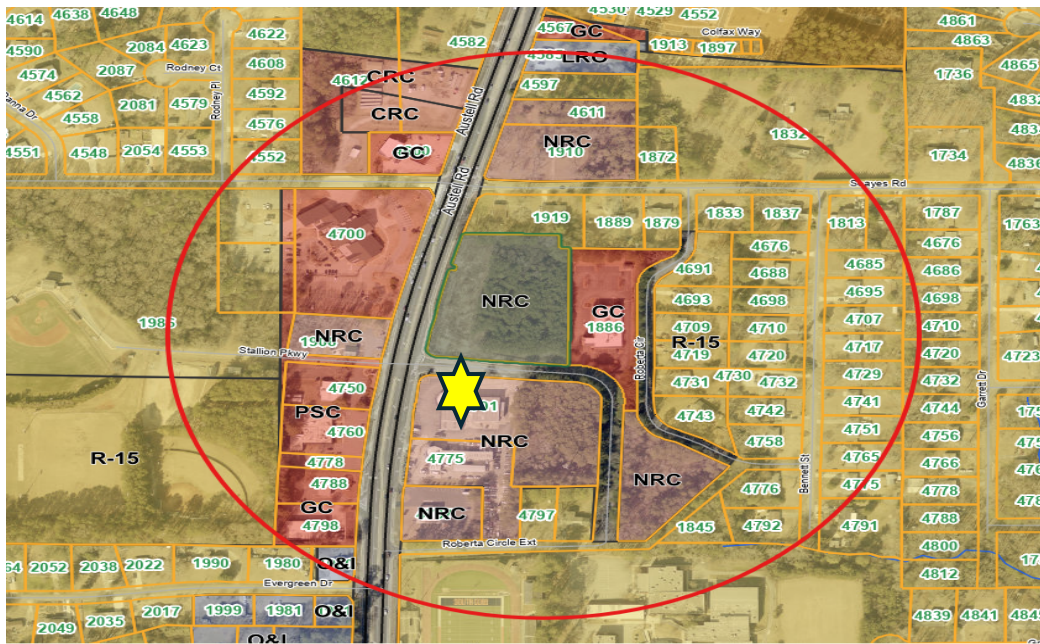
difference between RSL Nonsupportive Residential Units and RSL Nonsupportive Urban Rental Units lies in their physical density and architectural form. Nonsupportive Residential Units are designed for a lower-intensity, suburban feel, consisting of attached or detached dwellings (like quadruplexes or cottages) limited to a maximum height of 35 feet and a density of 5 units per acre. In contrast, Nonsupportive Urban Rental Units are intended for a high-density, "mid-rise" environment, allowing for buildings up to 8 stories tall. Additionally, Urban Rental projects carry a unique social mandate: they must be located in High-Density Residential areas and are required to designate at least 25% of their units as affordable housing.

#### IV. Site Requirement/ Comparison Table : Urban Rental (Non-supportive)

Feature	Non-Supportive Requirement (Residential Units)	RSL Urban Rental (Non-Supportive) Requirement	Current Site Plan Proposal	Status
<b>Min. Tract Size</b>	10 acres (located along arterial/collector roadway)	3 acres (located in High Density Areas per Mableton Interim Comprehensive Plan)	3.48 acres (located in Neighborhood Activity Center per Mableton Interim Comprehensive Plan)	<b>Meets</b>
<b>Max Density</b>	5 units per acre, no more than 4 units attached side by side	Not specified (defined by height)	~17.5 units/acre (61 units on 3.48 acres)	<b>Meets</b>
<b>Max Height</b>	35 feet	8 stories	3 stories (approx. 46 feet)	<b>Meets</b>
<b>Max Impervious</b>	55%	55%	33.4% (50,500 SF of 151,338 SF)	<b>Meets</b>
<b>Parking</b>	2 spaces per unit (122 spaces req. for 61 units)	1.25 spaces per unit (77 spaces req. for 61 units)	81 spaces provided	<b>Meets</b>
<b>Front Setback</b>	20-foot minimum to any public Right of Way	Not specified in RSL summary	70-foot buffer provided	<b>N/A</b>
<b>Side Setback</b>	15 feet (between buildings)	15 feet (between buildings)	157-foot buffer provided	<b>Meets</b>
<b>Rear Setback</b>	15 feet (between buildings)	15 feet (between buildings)	50-foot buffer provided	<b>Meets</b>
<b>Buffer (Residential)</b>	20-foot minimum	50-foot minimum	150-foot buffer provided	<b>Meets</b>
<b>Buffer (Commercial)</b>	30-foot minimum	Not specified in RSL summary	50-foot buffer provided	<b>Meets</b>

## V. Surrounding Land Use and Context

### View of Adjoining Zoning Districts



Star: Location of Subject Property

Boundary	Adjacent Zoning	Adjacent Land Use
West / East	NRC, GC, PSC, O&I, R-15	Mix of commercial properties, and undeveloped wooded land
North/ South	R-15, NRC	Mix of single-family homes, and Commercial zoned properties.

### STAFF ANALYSIS

When considering an application to amend the current zoning designation of a property, the Mayor and City Council, the Planning Commission, and the Planning and Zoning Division shall consider the following standards as described in Section 2.03 (3) a-e of the Zoning ordinance:

1. *Whether the zoning proposal is in conformity with the policy and intent of the land use plans.*

The proposal is seeking a rezoning to the **RSL Nonsupportive Urban Rental** sub-district. Per Section 3.19(d)(1) of the Mableton Zoning Code, this specific classification carries a mandatory locational requirement: it "**must be located within a high-density residential area**" (HDR) as defined by the Comprehensive Plan. The subject property is currently designated as a **Neighborhood Activity Center (NAC)**. Because the "Urban Rental" model is specifically intended for the city's highest-density residential cores, the application is textually inconsistent with the land use plan and the mandatory locational criteria set forth in the code.

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

The introduction of a 61-unit residential block at a density of 17.5 units per acre creates a significant intensity spike compared to the surrounding retail and low-density residential mix. While GC and NRC allow for commercial activity, they are governed by different bulk and height regulations than a mid-rise residential structure. A 3-story, 57,000-square-foot residential building lacks an appropriate transitional "step-down" from the commercial corridor to the single-family homes that also border the site, making the project's massing unsuitable for this specific intersection.

3. *Whether there are other existing or changing conditions affecting the use and development of the property which gives grounds for either approval or disapproval of the zoning proposal.*

The surrounding GC and NRC zonings already provide for the commercial and service needs of the Neighborhood Activity Center. Section 3.19(a)(1) of the RSL ordinance notes that these senior-living districts are unique and "shall not be established as a precedent for any other residential or nonresidential district." Granting a high-density residential rezoning on a site surrounded by commercial and low-density residential uses—without the required HDR land-use designation—would undermine the integrity of the Comprehensive Plan and the specific locational criteria intended to prevent high-density "spot zoning."

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

Although the project fronts Austell Road (a major thoroughfare), the site plan utilizes Stallion Parkway (a local connector) for primary access. Concentrating the ingress and egress of 61 residential units—including 24-hour service deliveries, staff, and visitors—

onto a local connector road creates a localized bottleneck. This intensification of use on a secondary street, rather than directly on the major thoroughfare, burdens the neighborhood-scale infrastructure of Stallion Parkway and complicates the traffic geometry at the Austell Road intersection.

**5. *Community Impact: Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.***

.Despite the neighboring commercial zonings, the subject property directly abuts residential lots. The 3-story verticality of the proposed RSL building creates a permanent privacy intrusion that is not present with the typical single-story commercial structures found in NRC or GC districts. The upper-floor units would have direct line-of-sight into the private outdoor spaces of nearby residences. This "looming" effect, combined with the noise and light pollution associated with high-density multi-family living, adversely impacts the usability and quiet enjoyment of the surrounding residential fabric.

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

The applicant's choice of the "Nonsupportive" sub-district (Section 3.19(d)) is inherently at odds with its location in a Neighborhood Activity Center. In such centers, the code generally favors the "Supportive" model (Section 3.19(b)), which requires centralized kitchen and dining facilities. By proposing a high-density project without the care-based infrastructure and services required of the Supportive model, the applicant is seeking an intensity of use that is unsupported by the site's NAC designation and the available community support amenities.

**Cobb County Water**

**REZ-2026-003 DEPARTMENT COMMENTS – Cobb County Water**

Water comments:

At development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 6" on Austell Rd

Additional water comments:

Sewer comments:

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: In Austell Rd and Stallion Pkwy right-of-way

Estimated waste generation (in G.P.D.): Average daily flow = 12,800

Peak flow = 32,000

Treatment plant: South Cobb WRF

Plant capacity:  Yes  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Off-site easement required:  YES\*  NO

Line capacity study required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

\*If off-site easements are required, the developer/owner must submit easements to CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: There is an existing public sewer line on-site that may need to be relocated to avoid conflicting with the building.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process. The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

## Cobb County Stormwater

### REZ2026-003 DEPARTMENT COMMENTS – Stormwater Management

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2/23/2026

#### Site Data

1. Address: Unaddressed – NE corner of Stallion Pkwy & Austell Rd. PIN#: 19108000540
2. District: 5
3. Existing Zoning: NRC                      Existing Allowable Impervious Coverage: 70%
4. Proposed Zoning: RSL                      Allowable Future Impervious Coverage: 70%

#### Existing Conditions

##### Floodplain Information

1. Flood Damage Prevention Designated Flood Hazard: No

##### Stormwater Information

1. Drainage Basin: Buttermilk Creek Basin
2. State Stream Buffers: No.
3. County Stream Buffer Ordinance: No
4. Impaired Stream: Yes: If the site is within a one-mile radius of an impaired stream additional Erosion Control BMP's per the State's current requirements will be required. It is the Engineer's responsibility to verify Impaired Streams per the State EPD's list.
5. Hotspot: No
6. Wetlands: No
7. Water Intake Zone: No
8. Chattahoochee River Corridor: No
9. Existing Onsite Ponds / Lake: No

##### Topography Information

1. General site Description: The site consists of a previously graded but undeveloped lot which is primarily wooded. Runoff drains to the south and under Stallion Pkwy.

#### Project Design Comments and Recommendations

1. Recommend a pre-design concept meeting with Cobb County Stormwater Management Division. At the time of the Concept Meeting a proposed concept stormwater management plan shall be presented.
2. Future improvements to the site which create, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves other land disturbing activity of one acre or more, requires an updated stormwater management facility that may require runoff reduction, water quality, and detention per the Georgia Stormwater Management Manual (GSMM).

## Cobb County Fire Department

## REZ2026-003 DEPARTMENT COMMENTS – Fire Department

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03/16/26

The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office

Approval will be based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

### **IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:**

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This serves as an early notification to owners and developers for budgeting purposes.

### **FIRE DEPARTMENT ACCESS:**

Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2024 Edition and Cobb County Development Standards 402.11).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 35 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level.

- Aerial fire apparatus access roads shall have a minimum width of 26 feet
- Aerial fire apparatus access roads shall be at least 15 feet but no more than 30 ft from the structure
- Aerial fire apparatus access roads shall be positioned parallel to one entire side of the building.
- No overhead utility and power lines shall be located within the aerial fire apparatus access. (IFC Appendix D105)

# Cobb County Department of Transportation

## MREZ2026-003 DEPARTMENT COMMENTS – DOT

Roadway	Roadway classification	Speed limit (mph)	Jurisdictional control	Min. R.O.W. requirements
Austell Road/ SR-5	Arterial	45	GDOT	110'
Stallion Parkway	Local	25	Cobb County	50'

Roadway	Location	Average daily trips (vpd)	Level of service
Austell Road/ SR-5	North of Seayes Road	39,000	F
Stallion Parkway	NA	NA	NA

vpd = vehicles per day

ITE Land Use	Description	Expected Size	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
252	Senior Adult Housing-Multifamily	61 Dwelling Units	4	8	12	9	7	16	198

vph = vehicles per hour;

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> edition and on site-specific data as provided by applicant.

### Comments and observations

Austell Road/ SR-5 is classified as an arterial roadway and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Stallion Parkway is classified as a local roadway and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan dated January 30, 2026, this development does not require a traffic impact study.

### Recommendations

THE RECOMMENDATIONS BELOW SHALL BECOME STIPULATED REQUIREMENTS UPON INCLUSION WITH AND APPROVAL BY THE CITY OF MABLETON OF THIS APPLICATION:

1. Recommend constructing proposed driveway on Stallion Parkway to commercial standards. This recommendation is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116, Commercial Driveway Requirements.
2. Recommend extending driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08.

Staff recommends **Denial** of the rezoning request from NRC to the RSL Zoning District. Based on staff analysis, the proposed rezoning application is not generally consistent with the Neighborhood Activity Center (NAC) future land use designation. If the Planning Commission choose to approved the request, then staff recommends to approved with the following stipulations.

### **Proposed Conditions of Approval**

To ensure the project proceeds as described in the application, staff recommend the following conditions:

1. The zoning shall revert to the original NRC classification if the applicant does not receive the necessary tax credit awards for the development.
2. The community must remain strictly age-restricted for residents aged 55 and older.
3. The applicant shall maintain 100% of the units as income-restricted housing as proposed (at or below 80% Area Median Income).
4. The Applicant shall submit detailed building elevations to Community Development Staff for review of material quality, massing, and residential compatibility. Final approval of all exterior designs and materials must be granted by the Director of Community Development prior to the issuance of a Land Disturbance Permit (LDP) or Building Permit.
5. The proposed density capacity shall not exceed 61 units, as submitted.
6. Development must strictly adhere to the submitted site plan, including the 33.4% impervious surface limit and provided parking.
7. Parking lot to be stripped and paved to Cobb County Design Standards as adopted by the City of Mableton.
8. The development must incorporate applicable accessibility and "easy living" standards to include bathrooms with ample maneuvering space, ample interior door widths; and stepless entrances at all doors and elevators on the property.
9. Subject to all Fire Department comments and recommendations.
10. Subject to all Water and Sewer Division comments and recommendations.
11. Subject to all Stormwater Management Division comments and recommendations.
12. Subject to all Cobb DOT comments and recommendations.



**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF MABLETON, GEORGIA BY REZONING A CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 0 STALLION PARKWAY SW, MABLETON, GEORGIA (COBB COUNTY PIN 19108000540); TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.**

**WHEREAS**, the governing authority of the City of Mableton, Georgia (the “City”) are the Mayor and Council thereof; and

**WHEREAS**, the governing authority is authorized by its Charter and state law to regulate zoning within the limits of the City; and

**WHEREAS**, the subject parcel of real property consists of approximately 3.48 acres, located at 0 Stallion Parkway SW, Land Lots 1080 and 1081, District 19th, according to the present system of numbering property in Mableton, Cobb County, Georgia (Cobb County Tax Parcel Identification Number: 19108000540) (the “Property”); and

**WHEREAS**, the Property is currently zoned as NRC - Neighborhood Retail Commercial; and

**WHEREAS**, the owner/applicant, PIVOTAL LLC, filed an application requesting the governing authority to rezone the Property to RSL - Residential Senior Living District with the intention for the applicant to develop the parcel to allow the development of a 61-unit senior living community; and

**WHEREAS**, the City has complied with the notice and hearing requirements pursuant to O.C.G.A. § 36-66-1 et seq.; and

**WHEREAS**, the Mayor and Council have determined that the rezoning of the Property to RSL, subject to specific stipulations, is in the best interest of the health, safety, and welfare of the citizens of Mableton;

**NOW THEREFORE**, be it and it is hereby resolved by the Mayor and Council of the City of Mableton:

**Section 1.** Those certain parcels of real property consisting of approximately 3.48 acres located at 0 Stallion Parkway SW, Land Lots 1080 and 1081, District 19th according to the present system of numbering property in Mableton, Cobb County, Georgia (Cobb County Tax Parcel Identification Number: 19108000540) are hereby rezoned from NRC – Neighborhood Retail Commercial to RSL – Residential Senior Living District with the intention for the applicant to develop the parcel for a 61-unit senior living community. Such rezoning is to be noted on the official City of Mableton Zoning Map approved by the Mayor and Council as soon as reasonably possible following adoption of this Ordinance along with an editorial note on the official City of Mableton Zoning Map specifying the parcel affected by this Ordinance and the date of adoption of this Ordinance. Until this rezoning is indicated on the official City of Mableton Zoning Map, this Ordinance and Exhibit A shall govern over the official City of Mableton Zoning Map to the extent of any discrepancy between this Ordinance and the official City of Mableton Zoning Map.

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

(b) It is hereby declared to be the intention of the Mayor and Council that, 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. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this 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 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 3.** The rezoning of the Property as provided in Section 1 is subject to the conditions and stipulations set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

**Section 4.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 5.** This Ordinance shall become effective immediately upon its adoption by the Mayor and Council.

**Section 6.** It is the intention of the governing body, and it is hereby resolved that the provisions of this Ordinance shall be enforceable under the authority of the City as permitted in its Charter and Ordinances.

**Section 7.** The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

**SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.**

**CITY OF MABLETON, GEORGIA**

\_\_\_\_\_  
**Michael Owens, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Susan Hiott, City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Emilia Walker-Ashby, Interim City Attorney**

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

**CITY OF MABLETON, GEORGIA:**

\_\_\_\_\_  
**Susan D. Hiott, City Clerk**

\_\_\_\_\_  
**Dr. Michael Owens, Mayor**

APPROVAL AS TO FORM:

\_\_\_\_\_  
Emilia Walker-Ashby, Interim City Attorney

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

## EXHIBIT A

### STIPULATIONS AND CONDITIONS OF APPROVAL

**CASE NO: REZ 2026-03**

**APPLICANT: PIVOTAL LLC**

**PROPERTY: 0 STALLION PARKWAY SW (PIN 19108000540)**

The approval of this rezoning from NRC to RSL is subject to the following conditions:

1. Reversionary Clause: The zoning shall revert to the original NRC classification if the applicant does not receive the necessary tax credit awards for the development **within two years of approval.**
2. Age Restriction: The community must remain strictly age-restricted for residents aged 55 and older.
3. Income Restriction: The applicant shall maintain 100 percent of the units as income-restricted housing as proposed (at or below 80 percent Area Median Income).
4. Density and Site Plan: The proposed density shall not exceed 61 units. Development must strictly adhere to the submitted site plan, including the 33.4 percent impervious surface limit and provided parking capacity, except where revisions are required to meet the Austell Road design standards, subject to final approval by the Community Development Director.
5. Design Review: The Applicant shall submit ~~detailed building elevations~~ **revised building elevations (to include gable roofing), and a revised site plan incorporating specific outdoor amenities—including a picnic shelter, community garden, walking trail, covered porch, and a sun deck with grill**—to Community Development Staff. Staff shall review these for material quality, massing, residential compatibility, and compliance with the Austell Road Design Guidelines. Final approval of all exterior designs and materials must be granted by the

Director of Community Development prior to the issuance of a Land Disturbance Permit (LDP) or Building Permit.

6. Accessibility Standards: The development must incorporate applicable accessibility and easy living standards, including bathrooms with ample maneuvering space, ample interior door widths, and stepless entrances at all doors and elevators on the property.
7. Infrastructure and Parking: All parking lots are to be striped and paved to Cobb County Design Standards as adopted by the City of Mableton.
8. Agency Compliance: The development is subject to all comments and recommendations from the following departments:
  - Cobb County Fire Department.
  - Cobb County Water and Sewer Division.
  - Cobb County Stormwater Management Division.
  - Cobb County Department of Transportation (DOT).

# REZ2026-003 / 0 Stallion Parkway SW

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**Case Number:** REZ 2026-03

**Current Zoning:** Neighborhood Retail Commercial (NRC)

**Proposed Request:** Rezoning from Neighborhood Retail Commercial (NRC) to Residential Senior Living District (RSL) for the purpose of developing a Senior Living Community (Urban Rental Units).

**Name:** PIVOTAL LLC

**Property Address:** 0 Stallion Parkway SW

**City/State:** Mableton

**Acreage:** 3.48

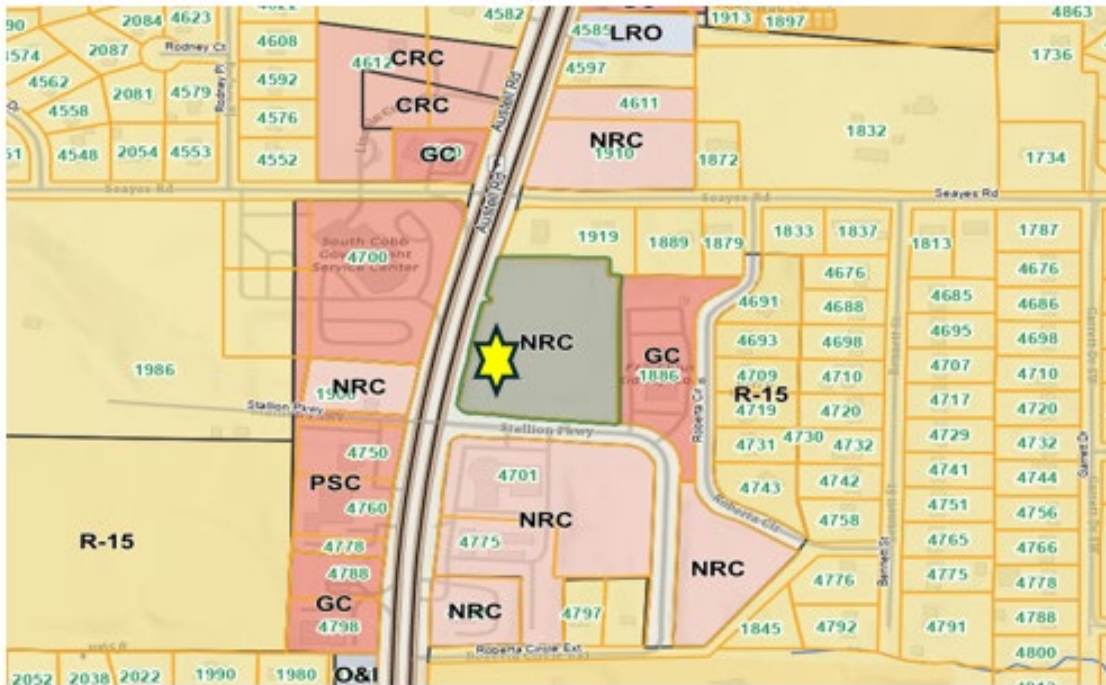
**District:** 5, Council member T.J Ferguson

**Parcel Identification:** 19108000540

**Future Land Use:** Neighborhood Activity Center, NAC



# Zoning Map and FLU Map

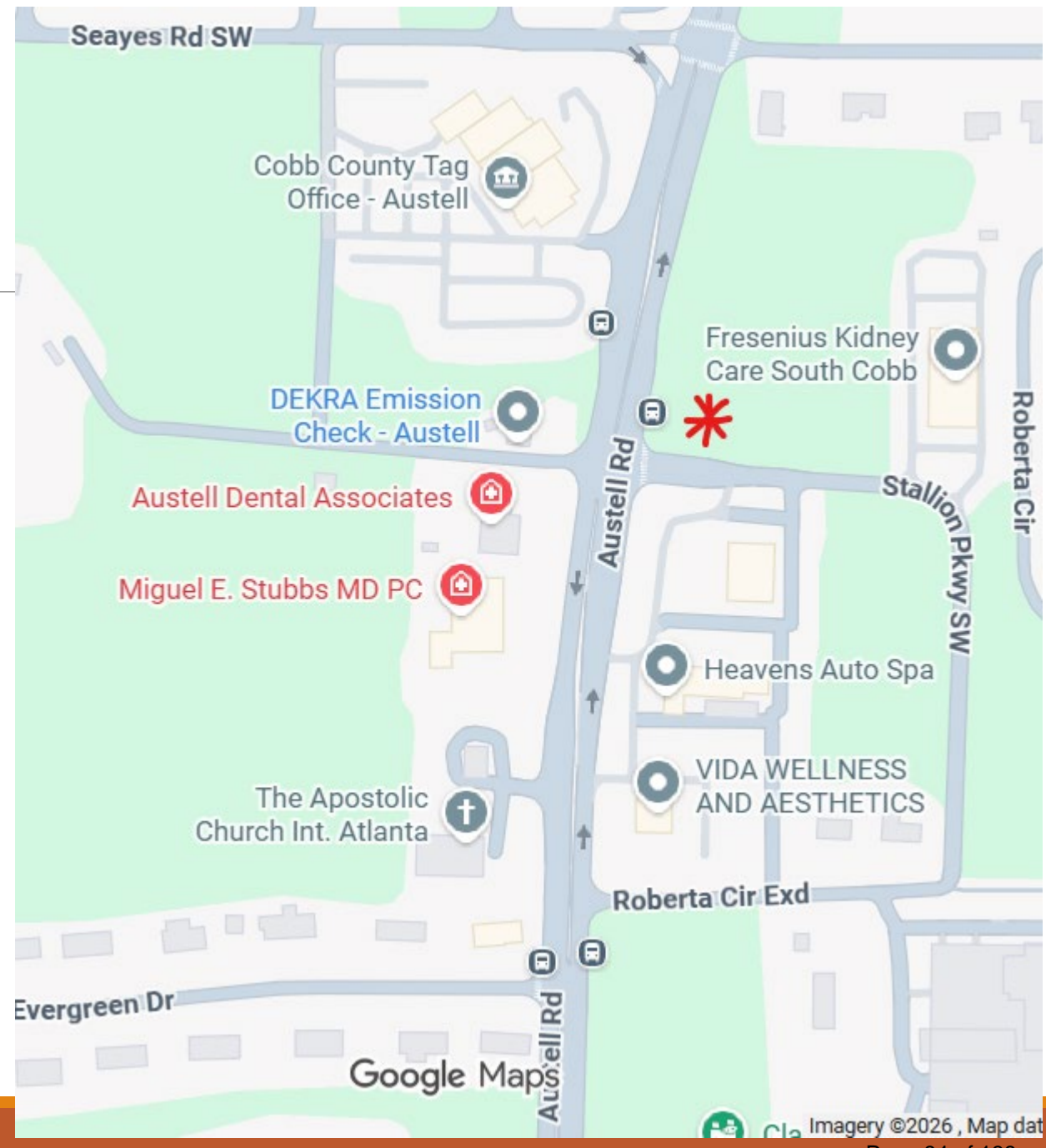
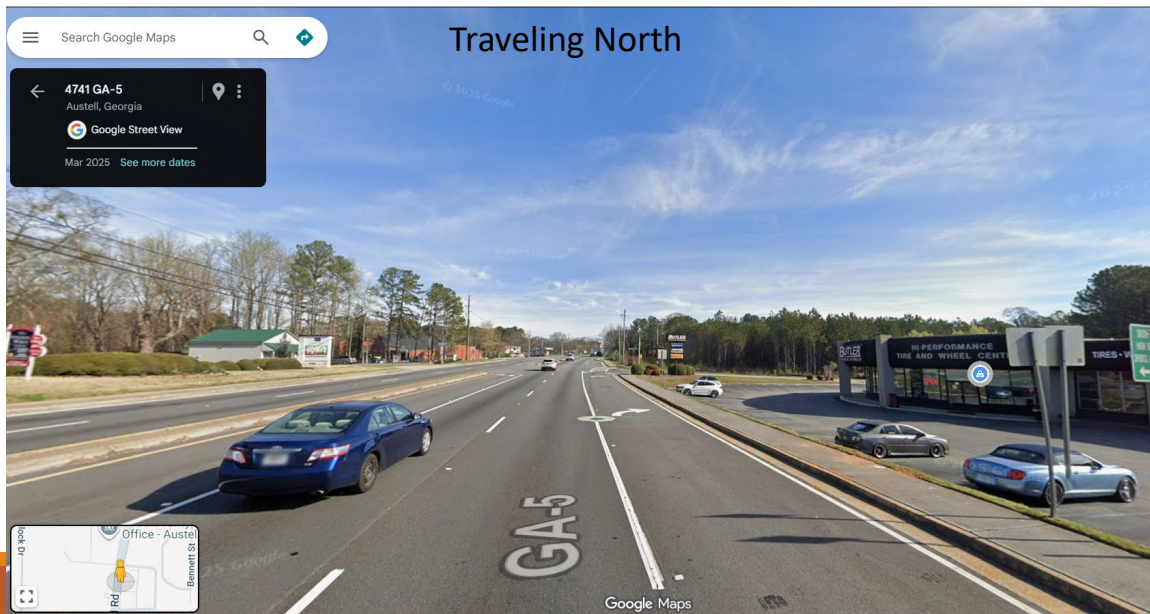


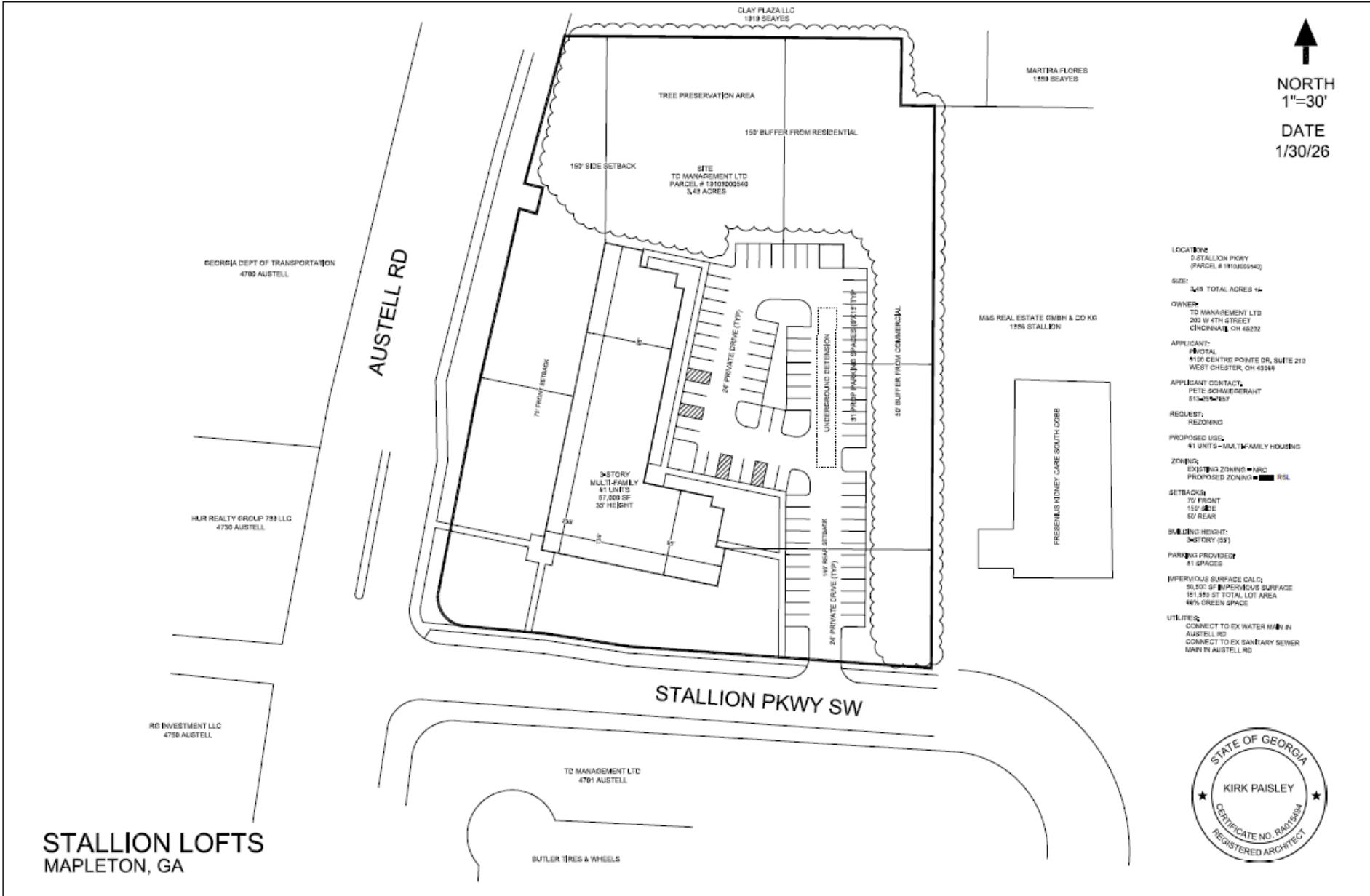
Star: Location of Subject Property



Star: Location of Subject Property

# Surrounding Uses





**NORTH**  
1"=30'  
**DATE**  
1/30/26

**LOCATION**  
0 STALLION PKWY  
(PARCEL # 18100002540)

**SIZE:**  
3.48 TOTAL ACRES +/-

**OWNER:**  
TD MANAGEMENT LTD  
200 W 4TH STREET  
CINCINNATI, OH 45202

**APPLICANT:**  
PIVOTAL  
9100 CENTRE POINTE DR, SUITE 210  
WEST CHESTER, OH 45384

**APPLICANT CONTACT:**  
PETE SCHWIEGERAHT  
513-259-7657

**REQUEST:**  
REZONING

**PROPOSED USE:**  
41 UNITS - MULTI-FAMILY HOUSING

**ZONING:**  
EXISTING ZONING = NRC  
PROPOSED ZONING = RSL

**SETBACKS:**  
70' FRONT  
15' SIDE  
50' REAR

**BUILDING HEIGHT:**  
3-STORY (55')

**PARKING PROVIDED:**  
81 SPACES

**IMPERVIOUS SURFACE CALC:**  
50,500 SF IMPERVIOUS SURFACE  
151,588 ST TOTAL LOT AREA  
66% GREEN SPACE

**UTILITIES:**  
CONNECT TO EX WATER MAIN IN  
AUSTELL RD  
CONNECT TO EX SANITARY SEWER  
MAIN IN AUSTELL RD

**SIZE:**  
3.48 TOTAL ACRES +/-

**OWNER:**  
TD MANAGEMENT LTD  
200 W 4TH STREET  
CINCINNATI, OH 45202

**APPLICANT:**  
PIVOTAL  
9100 CENTRE POINTE DR, SUITE 210  
WEST CHESTER, OH 45069

**APPLICANT CONTACT:**  
PETE SCHWIEGERAHT  
513-259-7657

**REQUEST:**  
REZONING

**PROPOSED USE:**  
61 UNITS - MULTI-FAMILY HOUSING

**ZONING:**  
EXISTING ZONING = NRC  
PROPOSED ZONING = RSL

**SETBACKS:**  
70' FRONT  
150' SIDE  
50' REAR

**BUILDING HEIGHT:**  
3-STORY (55')

**PARKING PROVIDED:**  
81 SPACES

**IMPERVIOUS SURFACE CALC:**  
50,500 SF IMPERVIOUS SURFACE  
151,588 ST TOTAL LOT AREA  
66% GREEN SPACE

**UTILITIES:**  
CONNECT TO EX WATER MAIN IN  
AUSTELL RD  
CONNECT TO EX SANITARY SEWER  
MAIN IN AUSTELL RD



**STALLION LOFTS**  
MAPLETON, GA

The RSL district requires a minimum of 25% affordable units, this application proposes 100% of units as income-restricted to 80% or below the Area Median Income (AMI).

Nonsupportive Residential Units are designed for a lower-intensity, suburban feel, consisting of attached or detached dwellings (like quadruplexes or cottages) limited to a maximum height of 35 feet and a density of 5 units per acre.

Nonsupportive Urban Rental Units are intended for a high-density, "mid-rise" environment, allowing for buildings up to 8 stories tall. Additionally, Urban Rental projects carry a unique social mandate: they must be located in High-Density Residential areas and are required to designate at least 25% of their units as affordable housing.

There are three categories of residential senior living.

1) RSL Supportive

2) RSL Non-Supportive

3) RSL Non-Supportive urban rental units

The RSL nonsupportive urban rental units is established to provide locations for the development of mid-rise dwelling units (up to eight stories) limited to those persons aged 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use must be located within a **high density residential area as defined by the Cobb County Comprehensive Plan**, as may be amended from time to time.

**IV. Site Requirement/ Comparison Table : Urban Rental (Non-supportive)**

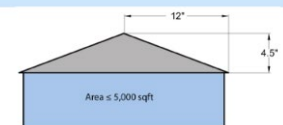
<b>Feature</b>	<b>Non-Supportive Requirement (Residential Units)</b>	<b>RSL Urban Rental (Non-Supportive) Requirement</b>	<b>Current Site Plan Proposal</b>	<b>Status</b>
<b>Min. Tract Size</b>	10 acres (located along arterial/collector roadway)	3 acres (located in High Density Areas per Mableton Interim Comprehensive Plan)	3.48 acres (located in Neighborhood Activity Center per Mableton Interim Comprehensive Plan)	<b>Does not Meet</b>
<b>Max Density</b>	5 units per acre, no more than 4 units attached side by side	Not specified (defined by height)	~17.5 units/acre (61 units on 3.48 acres)	<b>Meets</b>
<b>Max Height</b>	35 feet	8 stories	3 stories (approx. 46 feet)	<b>Meets</b>
<b>Max Impervious</b>	55%	55%	33.4% (50,500 SF of 151,338 SF)	<b>Meets</b>
<b>Parking</b>	2 spaces per unit (122 spaces req. for 61 units)	1.25 spaces per unit (77 spaces req. for 61 units)	81 spaces provided	<b>Meets</b>
<b>Front Setback</b>	20-foot minimum to any public Right of Way	Not specified in RSL summary	70-foot buffer provided	<b>N/A</b>
<b>Side Setback</b>	15 feet (between buildings)	15 feet (between buildings)	157-foot buffer provided	<b>Meets</b>
<b>Rear Setback</b>	15 feet (between buildings)	15 feet (between buildings)	50-foot buffer provided	<b>Meets</b>
<b>Buffer (Residential)</b>	20-foot minimum	50-foot minimum	150-foot buffer provided	<b>Meets</b>
<b>Buffer (Commercial)</b>	30-foot minimum	Not specified in RSL summary	50-foot buffer provided	<b>Meets</b>



57,000 sf/  
35 ft height

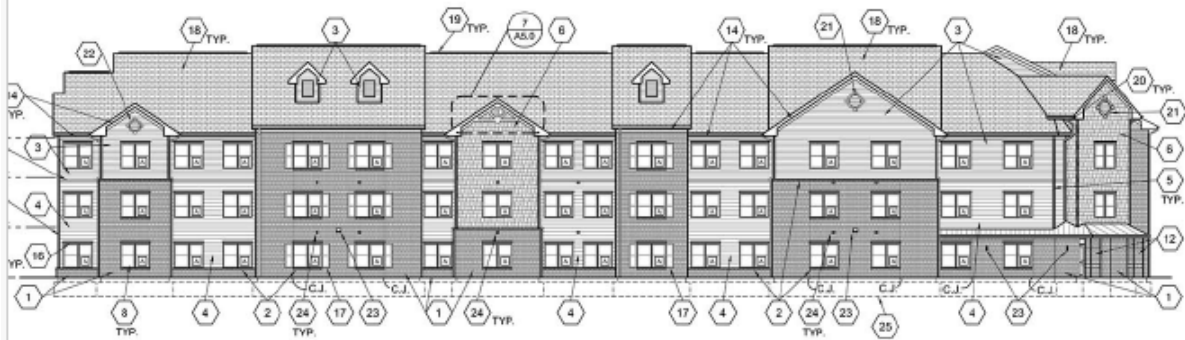
4. Roof Line

- a. Buildings less than 5,000 square feet shall have a pitched roof with a minimum pitch of 4.5 inches vertical elevation per 1 foot horizontal distance, except as otherwise provided herein. Building roofs shall be pitched with gables, dormers and aesthetic treatments.

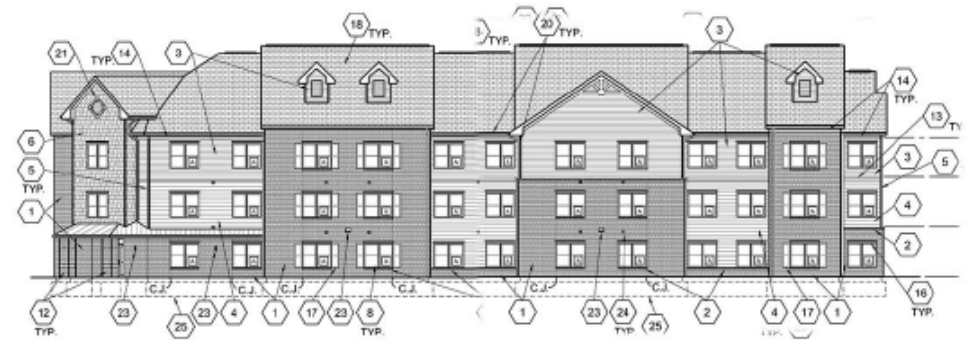


- b. Commercial building styles without a pitched roof shall have a detailed parapet and cornice.

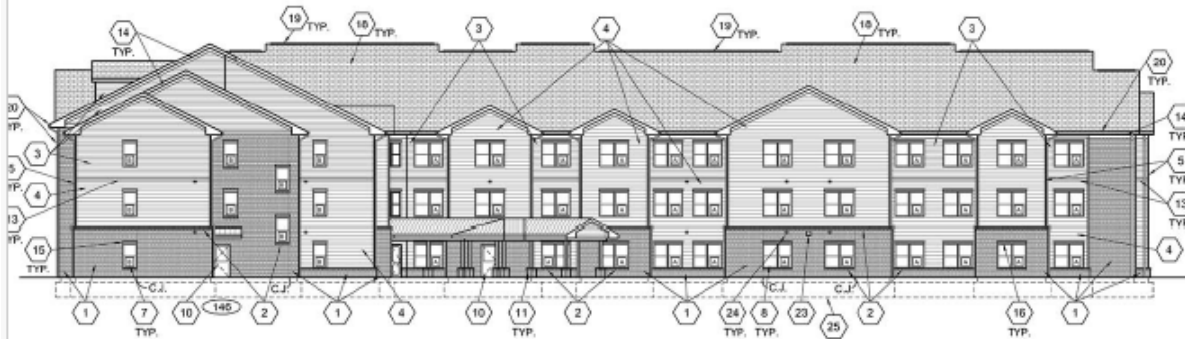




1 WEST EXTERIOR ELEVATION  
A1.0 SCALE: 1/16" = 1'-0"



2 SOUTH EXTERIOR ELEVATION  
A1.0 SCALE: 1/16" = 1'-0"



3 EAST EXTERIOR ELEVATION  
A1.0 SCALE: 1/16" = 1'-0"

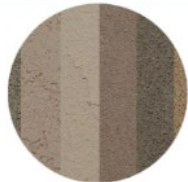


4 NORTH EXTERIOR ELEVATION  
A1.0 SCALE: 1/16" = 1'-0"

## 2.2 Materials

New buildings shall be constructed of predominantly brick in combination with a maximum of 25% stucco or similar materials. Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited. Buildings shall incorporate at least two of the following accent materials:

- a. Brick
- b. Stucco (cementitious finish)
- c. Stone



NOTE – These Elevations do not meet the Austell Road Design Requirements for brick

# Section 2.03 (3) a-e of the Zoning ordinance Criteria

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- 1. Whether the zoning proposal is in conformity with the policy and intent of the land use plans.**
- 2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
- 3. Whether there are other existing or changing conditions affecting the use and development of the property which gives grounds for either approval or disapproval of the zoning proposal.**
- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
- 5. Community Impact: Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.**
- 6. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

# PLANNING STAFF RECOMMENDATION

Staff recommends **Denial** of the rezoning request from NRC to the RSL Zoning District. Based on staff analysis, the proposed rezoning application is not generally consistent with the Neighborhood Activity Center (NAC) future land use designation. If the Planning Commission choose to approved the request, then staff recommends to approved with the following stipulations.

Proposed Conditions of Approval : To ensure the project proceeds as described in the application, staff recommend the following conditions:

1. Reversionary Clause: The zoning shall revert to the original NRC classification if the applicant does not receive the necessary tax credit awards for the development within two years of approval.
2. Age Restriction: The community must remain strictly age-restricted for residents aged 55 and older.
3. Income Restriction: The applicant shall maintain 100 percent of the units as income- restricted housing as proposed (at or below 80 percent Area Median Income).
4. Density and Site Plan: The proposed density shall not exceed 61 units. Development must strictly adhere to the submitted site plan, including the 33.4 percent impervious surface limit and provided parking capacity, except where revisions are required to meet the Austell Road design standards, subject to final approval by the Community Development Director.

# PLANNING STAFF RECOMMENDATION

5. **Design Review:** The Applicant shall submit detailed building elevations revised building elevations (to include gable roofing), and a revised site plan incorporating specific outdoor amenities—including a picnic shelter, community garden, walking trail, covered porch, and a sun deck with grill—to Community Development Staff. Staff shall review these for material quality, massing, residential compatibility, and compliance with the Austell Road Design Guidelines. Final approval of all exterior designs and materials must be granted by the Director of Community Development prior to the issuance of a Land Disturbance Permit (LDP) or Building Permit.
6. **Accessibility Standards:** The development must incorporate applicable accessibility and easy living standards, including bathrooms with ample maneuvering space, ample interior door widths, and stepless entrances at all doors and elevators on the property.
7. **Infrastructure and Parking:** All parking lots are to be striped and paved to Cobb County Design Standards as adopted by the City of Mableton.
8. **Agency Compliance:** The development is subject to all comments and recommendations from the following departments: - Cobb County Fire Marshal, Cobb County Water and Sewer Division, Cobb County Stormwater Management Division, Cobb County Department of Transportation (DOT).



## AGENDA ITEM MEMORANDUM

---

**MEETING OF:** April 20, 2026  
**DEPARTMENT:** [DEPARTMENT]

**ISSUE/AGENDA ITEM TITLE:** Resolution to Adopt Uniform Municipal Court Rules of Procedure - Court Administrator Mallory Minor

**BACKGROUND/SUMMARY:** A RESOLUTION ADOPTING THE Uniform Rules for Municipal Courts of the State of Georgia AND FOR OTHER LAWFUL PURPOSES

**BUDGETED/FINANCIAL IMPACT – FUND:** No Impact.

**RECOMMENDATION:** To Adopt.

**ATTACHMENTS:**

1. Resolution Adopting Uniform Municipal Court Rules Rev. 4.7.26
2. UNIFORM-MUNICIPAL-COURT-RULES-2024\_12\_12 (1)

**A RESOLUTION ADOPTING THE UNIFORM RULES FOR MUNICIPAL COURTS OF THE STATE OF GEORGIA AND FOR OTHER LAWFUL PURPOSES**

**WHEREAS**, the City of Mableton ("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 ("City Council") thereof;

**WHEREAS**, the Council of Municipal Court Judges of Georgia is a state organization operating under the authority of O.C.G.A. § 36-32-40 and other applicable laws, created to support, train and improve the administration of municipal courts throughout Georgia;

**WHEREAS**, the Council of Municipal Court Judges of Georgia promulgates *Uniform Rules for Municipal Courts of the State of Georgia* under the inherent powers of the Supreme Court of Georgia to provide for the speedy and efficient resolution of disputes and prosecutions;

**WHEREAS**, the City desires through this Resolution to adopt the *Uniform Rules for Municipal Courts of the State of Georgia*, as promulgated, updated and amended by the Council of Municipal Court Judges of Georgia to help provide for the speedy and efficient resolution of disputes and prosecutions within the Municipal Court of Mableton; and

**WHEREAS**, this Resolution is enacted to safeguard and promote the public health, safety, and general welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of Mableton, as follows:

**Section 1. Adoption.** The City hereby adopts the *Uniform Rules for Municipal Courts of the State of Georgia*, as promulgated, updated and amended by the Council of Municipal Court Judges of Georgia.

\*\*\*\*\*

**Section 2.** It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and

constitutional.

- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

**Section 3.** The City Attorney and the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

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

**BE IT SO RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

CITY OF MABLETON, GEORGIA:

\_\_\_\_\_  
Susan D. Hiott, City Clerk

\_\_\_\_\_  
Dr. Michael Owens, Mayor

APPROVAL AS TO FORM:

\_\_\_\_\_  
Emilia Walker-Ashby, City Attorney

**UNIFORM RULES**

**MUNICIPAL COURTS OF THE  
STATE OF GEORGIA**



**COUNCIL OF MUNICIPAL COURT JUDGES**

**DECEMBER 2024**

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## **RULE 1. PREAMBLE**

These rules are promulgated pursuant to the inherent powers of the Supreme Court of Georgia in order to provide for the speedy, efficient and inexpensive resolution of disputes and prosecutions. It is not the intention, nor shall it be the effect, of these rules to conflict with the Constitution or substantive law, either per se or in individual actions, and these rules shall be so construed and in case of conflict shall yield to substantive law. It is not the intent of these rules, nor shall these rules be construed, to require any municipal, recorder or any other court deemed a municipal court, to become or remain a court of record or to employ the services of any personnel, including solicitors or prosecuting attorneys, unless otherwise provided by general law, charter or ordinance.

### **1.1 Repeal of Local Rules.**

All local rules of the municipal courts shall expire effective February 3, 2010. If any municipal court by action of a majority of its judges (or failing this, by action of its chief judge) proposes to prevent any local rule from expiring pursuant to Rule 1.1, then a proposal to prevent the local rule from expiring must be presented to the Court for approval 30 days prior to the expiration date as stated in Rule 1.1. Only those rules reapproved by the Supreme Court of Georgia on or after February 3, 2010, shall remain in effect after that date. Rules timely resubmitted shall remain in effect until action by the Supreme Court of Georgia.

### **1.2 Authority to Enact Rules Which Deviate From the Uniform Rules.**

(a) The term "local rules" will no longer be used in the context of the Uniform Municipal Court Rules.

(b) Each municipal court by action of a majority of its judges (or failing this, by action of its chief judge), from time to time, may propose to make and amend rules which deviate from the Uniform Municipal Court Rules, provided such proposals are not inconsistent with general laws, these Uniform Municipal Court Rules, or any directive of the Supreme Court of Georgia. Any such proposals shall be filed with the clerk of the Supreme Court of Georgia; proposals so submitted shall take effect thirty (30) days after approval by the Supreme Court of Georgia. It is the intent of these rules that rules which deviate from the Uniform Municipal Court Rules be restricted in scope.

(c) The municipal court, by action of a majority of its judges (or failing this, by action of its chief judge), may continue to promulgate rules which relate only to internal procedure and do not affect the rights of any party substantially or materially, either to unreasonably delay or deny such rights, and provided that those rules shall not conflict with these uniform rules. These rules, which will be designated "internal operating procedures," do not require the approval of the Supreme Court. "Internal operating procedures," as used in these Uniform Municipal Court Rules, are defined as rules which relate to case management, administration, and operation of the court or govern programs which relate to filing costs in civil actions, costs in criminal matters, case management, administration, and operation of the court.

(d) Notwithstanding these uniform rules, the municipal court, by action of a majority of its judges (or failing this, by action of its chief judge), may promulgate experimental rules applicable to pilot projects, upon approval of the Supreme Court, adequately advertised to the local bar, with copies to the State Bar of Georgia, not to exceed a period of one year, subject to extension for one additional year upon approval of the Supreme Court. At the end of the second

year, any such pilot projects will be allowed to sunset unless approved by the Supreme Court to remain in effect for a longer period of time.

(e) Rules which are approved as deviations from the Uniform Municipal Court Rules and internal operating procedures of courts shall be published by the court in which the rules are effective. Copies must be made available through the clerk of the municipal court for the city where the rules are effective, and shall be posted on the adopting municipal court's website, if such exists. Any amendments to deviations from the Uniform Municipal Court Rules or to internal operating procedures must be published and made available through each municipal court clerk's office within fifteen (15) days of the effective date of the amendment or change. Summaries of amendments or deviations shall be published once per week for two consecutive weeks in the newspaper in which legal announcements are customarily made by the municipality in which the municipal court is located, and shall be provided to the State Bar of Georgia and all local bar associations serving the municipality.

(f) Internal operating procedures effective in any court must be filed with the Supreme Court even though Supreme Court approval is not needed for these rules.

### **1.3 Matters of Statewide Concern.**

The following rules, to be known as "Uniform Municipal Court Rules," are to be given statewide application.

### **1.4 Deviation.**

These rules are not subject to local deviation except as provided herein. A specific rule may be superseded in a specific action or case or by an order of the court entered in such case explaining the necessity for deviation and served upon the attorneys or pro se parties in the case.

### **1.5 Amendments.**

The Council of Municipal Court Judges shall have a permanent committee to recommend to the Supreme Court such changes and additions to these rules as may from time to time appear necessary or desirable. The State Bar of Georgia and the Uniform Rules Committee Chairpersons of the Council of each class of court shall receive notice of the proposed changes and additions and be given the opportunity to comment.

### **1.6 Publication of Rules and Amendments.**

These rules and any amendments to these rules shall be published in the advance sheets to the *Georgia Reports*. Unless otherwise provided, the effective date of any amendment to these rules is the date of publication in the advance sheets to the *Georgia Reports*.

## **RULE 2. DEFINITIONS**

### **2.1 Attorney.**

The word "attorney" as used in these rules refers to any person admitted to the State Bar of Georgia and any person who has been properly admitted to the court pro hac vice. Pro se litigants are governed by the same rules as attorneys.

## **2.2 Judge.**

The word "judge" as used in these rules refers to any person serving or acting as a judge of a municipal court in the State of Georgia. The term "chief judge" shall be that judge designated as such by the municipality according to its charter and ordinances, or failing that, the sole judge designated or elected as municipal court judge by the municipality, and in the case of municipal courts with more than one municipal court judge, by majority vote of the municipal court judges, for such term as may be provided by charter, ordinance, or internal operating procedures adopted in accordance with these uniform rules.

## **2.3 Clerk.**

Unless the context of these rules requires otherwise, the word "clerk" as used in these rules refers to the person designated according to the charter and ordinances of the municipality, as the primary person most directly responsible for the administration of a municipal court other than a judge of the municipal court. If provided by the charter or ordinances of the municipality, the chief judge may designate deputy clerks who shall have the same authority as the clerk.

## **2.4 Assigned Judge.**

The term "assigned judge" as used in these rules refers to the judge to whom an action is assigned in accordance with these rules; or, if the context permits, in municipal courts having approved local rules permitting a general calendaring system, to the trial judge responsible for the matter at any particular time.

## **2.5 Gender Neutral Pronouns.**

The pronoun "he" shall include "she" and vice versa, unless the context clearly indicates otherwise; the pronoun "her" shall include "him" and vice versa, unless the context clearly indicates otherwise.

## **RULE 3. HOURS OF COURT OPERATION**

The hours of court operation shall be set by the chief judge of each court and shall be recorded with the clerk of the municipal court. Such information shall include the following:

- (1) Normal hours and location of court.
- (2) Emergency after-hours availability of judges and the names of such judges; provided, however, that personal telephone numbers and address information need not be included in the public records of the clerk.
- (3) Holidays during which the court will be closed and a plan for the availability of judges on such days.
- (4) Days on which the court holds hearings and the times and locations of such hearings.

## **RULE 4. ASSIGNMENT OF CASES**

### **4.1 Case Assignment.**

Unless provided by approved internal procedures or pursuant to assignment by the chief judge, cases shall not be assigned to a particular judge. Provided, however, that once any judge has first heard sworn testimony or made any ruling in a case other than the granting of an arrest or search warrant, the setting of bail and the initial finding of probable cause, or the granting of a

continuance, that case shall thereafter be considered only by that judge, except upon the approval of that judge. In municipal courts served by more than one judge, the clerk of court shall schedule the presiding of those judges over the various court calendars according to a plan approved by a majority of those judges. This rule shall not apply to probation revocation hearings.

## **4.2 Recusal.**

### **4.2.1 Motions.**

All motions to recuse or disqualify a judge presiding in a particular case or proceeding shall be timely filed in writing and all evidence thereon shall be presented by accompanying affidavit(s) which shall fully assert the facts upon which the motion is founded. Filing and presentation to the judge shall be not later than five (5) days after the affiant first learned of the alleged grounds for disqualification, and not later than ten (10) days prior to the hearing or trial which is the subject of recusal or disqualification, unless good cause be shown for failure to meet such time requirements. In no event shall the motion be allowed to delay the trial or proceeding.

### **4.2.2 Affidavit.**

The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances of extra-judicial conduct or statements, which demonstrate either bias in favor of any adverse party, or prejudice toward the moving party in particular, or a systematic pattern of prejudicial conduct toward persons similarly situated to the moving party, which would influence the judge and impede or prevent impartiality in that action. Allegations consisting of bare conclusions and opinions shall not be legally sufficient to support the motion or warrant further proceedings.

### **4.2.3 Duty of the trial judge.**

When a judge is presented with a motion to recuse, or disqualify, accompanied by an affidavit, the judge shall temporarily cease to act upon the merits of the matter and shall immediately determine the timeliness of the motion and the legal sufficiency of the affidavit, and make a determination, assuming any of the facts alleged in the affidavit to be true, whether recusal would be warranted. If it is found that the motion is timely, the affidavit sufficient and that recusal would be authorized if some or all of the facts set forth in the affidavit are true, another judge shall be assigned to hear the motion to recuse. The allegations of the motion shall stand denied automatically. The trial judge shall not otherwise oppose the motion.

### **4.2.4 Procedure upon a motion for disqualification.**

The motion shall be assigned for hearing to another judge, who shall be selected in the following manner:

- (a) If within a single-judge municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select the judge;
- (b) If within a two-judge municipality, the other judge, unless disqualified, shall hear the motion;
- (c) If within a multi-judge municipality, composed of three (3) or more judges, selection shall be made by use of the municipality's existing random, impartial case assignment method. If

the municipality does not have random, impartial case assignment rules, then assignment shall be made as follows:

(1) The chief judge of the municipality shall select a judge within the municipality to hear the motion, unless the chief judge is the one against whom the motion is filed; or

(2) In the event the chief judge is the one against whom the motion is filed, the assignment shall be made by the judge of the municipality who is most senior in terms of service other than the chief judge and who is not also a judge against whom the motion is filed; or

(3) When the motion pertains to all active judges in the municipality, the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges shall select a judge outside the municipality to hear the motion.

(d) If the most senior in service District Representative judge serving on the Executive Committee of the Council of Municipal Court Judges is the one against whom the motion is filed, the District Representative judge within the district next senior in time of service shall serve in this selection process instead.

If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as outlined above.

(e) If all judges within a municipality are disqualified, including all District Representative judges, the matter shall be referred by the disqualified most senior in service District Representative judge to the most senior in service District Representative judge of an adjacent district for the appointment of a judge who is not a member of the district to preside over the motion or case.

#### **4.2.5 Selection of judge.**

In the instance of any hearing on a motion to recuse or disqualify a judge, the challenged judge shall neither select nor participate in the selection of the judge to hear the motion; if recused or disqualified, the recused or disqualified judge shall not select nor participate in the selection of the judge assigned to hear further proceedings in the involved action.

#### **4.2.6 Findings and ruling.**

The judge assigned may consider the motion solely upon the affidavits, but may, in the exercise of discretion, convene an evidentiary hearing. After consideration of the evidence, the judge assigned shall rule on the merits of the motion and shall make written findings and conclusions. If the motion is sustained, the selection of another judge to hear the case shall follow the same procedure as established in Rule 4.2.4 above. Any determination of disqualification shall not be competent evidence in any other case or proceedings.

#### **4.2.7 Voluntary recusal.**

If a judge, either on the motion of one of the parties or the judge's own motion, voluntarily disqualifies, another judge, selected by the procedure set forth in Rule 4.2.4 above, shall be assigned to hear the matter involved. A voluntary recusal shall not be construed as either an admission or denial to any allegations which have been set out in the motion.

## **RULE 5. DOCKETS**

### **5.1 Docket Categories.**

Each municipal court shall keep a docket for criminal cases, arrests and search warrants, and a separate docket for all other actions.

### **5.2 Time of Docketing.**

Actions shall be entered by the clerk, deputy clerk, or judge in the proper docket immediately or within a reasonable period after being received in the clerk's office.

## **RULE 6. WITHDRAWAL OF PAPERS FROM THE MUNICIPAL COURT**

No original papers may be withdrawn from the municipal court. However, copies of any documents may be obtained by any party or the attorney for any party upon payment of copy costs to the clerk. All court records are public and are to be available for inspection in accordance with and as limited by the Georgia Open Records Act, as amended.

## **RULE 7. DUTIES OF ATTORNEYS AND ALL PARTIES**

### **7.1 Notification of Representation.**

No attorney shall appear in his or her representative capacity before a municipal court until he or she has entered an appearance by filing a signed entry of appearance form or by filing a signed pleading in a pending action. An entry of appearance shall state (1) the style and case number; (2) the identity of the party for whom the appearance is made; and (3) the name and current office address, telephone number and bar number of the attorney.

### **7.2 Withdrawal of Counsel.**

(a) An attorney appearing of record in any action pending in any municipal court, who wishes to withdraw as counsel for any party therein, shall submit a written request to an appropriate judge of the court for an order of court permitting such withdrawal. Such request shall state that the attorney has given due written notice to the affected client respecting such intention to withdraw ten (10) days (or such lesser time as the court may permit in any specific instance) prior to submitting the request to the court or that such withdrawal is with the client's consent. Such request will be granted unless in the judge's discretion to do so would delay the trial of the action or otherwise interrupt the orderly operation of the court or be manifestly unfair to the client. The attorney requesting an order permitting withdrawal shall give notice to the solicitor or prosecuting attorney, if any, and shall file with the clerk in each such action and serve upon the client, personally or at that client's last known address, a notice which shall contain at least the following information:

- (1) That the attorney wishes to withdraw;
- (2) That the court retains jurisdiction of the action;
- (3) That the client has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;
- (4) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- (5) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

(6) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(7) That service of notices may be made upon the client at the client's last known address; and

(8) That unless the withdrawal is with the client's consent, the client has the right to object within ten (10) days of the date of the notice.

(b) The attorney seeking to withdraw shall prepare a written notification certificate stating that the above notification requirements have been met, the manner by which such notification was given to the client, and the client's last known address and telephone number. The notification certificate shall be filed with the court and a copy mailed to the client and all other parties. The client shall have ten (10) days prior to entry of an order permitting withdrawal or such lesser time as the court may permit within which to file objections to the withdrawal. After the entry of an order permitting withdrawal, the client shall be notified by the withdrawing attorney of the effective date of the withdrawal; thereafter all notices or other papers may be served on the party directly by mail at the last known address of the party until new counsel enters an appearance.

### **7.3 Duty to Utilize Assigned Judge; Notification of Previous Presentation to Another Judge.**

Attorneys shall not present to any judge any matter or issue in any case which has been assigned to or a ruling made by another judge, except under the most compelling circumstances. In that event, any attorney doing so shall first advise the judge to whom the matter is presented that the action is assigned to or a ruling has been made by another judge. Counsel shall also inform the assigned or previous ruling judge as soon as possible that the matter was presented to another judge. Attorneys shall not present to a judge any matter which has been previously presented to another judge without first advising the former of the fact and result of such previous presentation.

### **7.4 Prohibition on Ex Parte Communications.**

Except as authorized by law or by rule, judges shall not initiate, permit or consider ex parte communications by interested parties or their attorneys concerning a pending or impending proceeding. Where circumstances require ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or the merits of the case are authorized, provided:

1. The judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and

2. The judge takes reasonable steps to promptly notify all parties of the substance of the ex parte communication and allows an opportunity to respond.

### **7.5 Duty to Attend and Remain.**

Attorneys and parties having matters on calendars, unless excused by the judge, are required to be in court at the call of the matter and to remain until otherwise directed by the court. The failure of any attorney or party in this respect shall subject that attorney or party to the contempt powers of the court.

## **RULE 8. RESOLUTION OF CONFLICTS-STATE AND FEDERAL COURTS**

(a) An attorney shall not be deemed to have a conflict unless:

(1) The attorney is lead counsel in two or more of the actions affected; and

(2) The attorney certifies that the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies compliance with this rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.

(b) When an attorney is scheduled for a day certain by trial calendar, special setting or court order to appear in two or more courts (trial or appellate; municipal, state or federal), the attorney shall give prompt written notice as specified in paragraph (a) above of the conflict to opposing counsel, to the clerk of each court and to the judge before whom each action is set for hearing (or, to an appropriate judge if there has been no designation of a presiding judge). The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required by paragraphs (b) (1)-(4) as to each case arranged in the order in which the cases should prevail under this rule. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand as offered. Should a judge wish to change the order of cases to be tried, such notice shall be given promptly after agreement is reached between the affected judges. Attorneys confronted by such conflicts are expected to give written notice such that it will be received at least seven (7) days prior to the date of conflict. Absent agreement, conflicts shall be promptly resolved by the judge or the clerk of each affected court in accordance with the following order of priorities:

(1) Criminal (felony) actions shall prevail over civil actions;

(2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;

(3) Appellate arguments shall prevail over trials, hearings and conferences;

(4) Within each of the above categories only, the action which was first filed shall take precedence.

(c) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event any matter listed in the letter notice is disposed of prior to the scheduled time set for any other matter listed or subsequent to the scheduled time set but prior to the end of the calendar, the attorney shall immediately notify all affected parties, including the court affected, of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases in which the conflict was resolved by the disposal in the order of priorities as set forth heretofore.

## **RULE 9. LEAVES OF ABSENCE**

### **9.1 Leaves for Thirty (30) Calendar Days or Less.**

An attorney of record shall be entitled to a leave of absence for thirty (30) days or less from court appearance in pending matters which are neither on a published calendar for court appearance, nor noticed for a hearing during the requested time, by submitting to the clerk of the court at least thirty (30) calendar days prior to the effective date for the proposed leave, a written notice containing:

- (a) A list of the actions to be protected, including the action numbers, and date and time of any previously calendared appearance;
- (b) The reason for leave of absence; and
- (c) The duration of the requested leave of absence.

A copy of the notice shall be sent, contemporaneously, to the judge before whom an action is pending and all opposing counsel. Unless opposing counsel files a written objection within ten (10) days with the clerk of the court, with a copy to the court and all counsel of record, or the court responds denying the leave of absence, such leave will stand granted without entry of an order. If objection is filed, the court, upon request of any counsel, will conduct a conference with all counsel to determine whether the court will, by order, grant the requested leave of absence.

The clerk of the court shall retain leave of absence notices in a chronological file for two (2) calendar years; thereafter, the notices may be discarded.

Leaves of absence for particular cases shall be docketed with the particular case affected by that leave of absence.

**9.2 Leaves for More Than Thirty (30) Calendar Days.** (Or those either on a published calendar, noticed for a hearing, or not meeting the time requirements of Rule 9.1 above.)

Application for a leave of absence for more than thirty (30) calendar days, or those either on a published calendar, noticed for a hearing, or not submitted within the time limits contained in Rule 9.1 above, must be in writing, filed with the clerk of the court, and served upon opposing counsel at least ten (10) days prior to submission to the appropriate judge of the court in which the action is pending. This time period may be waived if opposing counsel consents in writing to the application. This procedure permits opposing counsel to object or to consent to the grant of the application, but the application is addressed to the discretion of the court. Such application for leave of absence shall contain:

- (a) A list of the actions to be protected, including the action number;
- (b) The reason for leave of absence; and
- (c) The duration of the requested leave of absence.

**9.3 Excusal from Court Appearances.**

A Rule 9.1 or 9.2 leave when granted shall relieve any attorney from all trials, hearings, depositions and other legal appearances in that matter. This rule shall not extend any deadline set by law or the court.

**RULE 10. TERMS OF COURT**

Where statutes or case law of general application in this state require action within a term of court, in the municipal court this shall signify within one hundred eighty (180) days; where action is required by the next term of court, this shall signify after one hundred eighty (180) days; and on or before three hundred sixty-five (365) days, unless by charter, ordinance or internal operating procedure term of court is otherwise defined.

## **RULE 11. USE OF ELECTRONIC DEVICES IN COURTROOMS AND RECORDINGS OF JUDICIAL PROCEEDINGS**

### **11.1 Overview.**

Open courtrooms are an indispensable element of an effective and respected judicial system. It is the policy of Georgia's courts to promote access to and understanding of court proceedings not only by the participants in them but also by the general public and by news media who will report on the proceedings to the public. This must be done, however, while protecting the legal rights of the participants in the proceedings and ensuring appropriate security and decorum.

Except as otherwise required by law, this rule governs the use of devices to record sounds or images in a courtroom and comports with the standards provided in OCGA § 15-1-10.1 regarding the use of devices to record judicial proceedings.

This rule similarly governs the use of electronic devices, including mobile phones and computers, in a courtroom for purposes other than recording sounds and images. Such use is generally allowed by lawyers, by employees of lawyers, and by self-represented parties, but to ensure decorum and avoid distraction, such use is generally prohibited by witnesses, parties, and spectators, including representatives of the news media. Such persons may, however, use their devices by stepping outside the courtroom, and nothing in this rule prevents a judge from permitting parties and spectators to use their devices for non-recording purposes as the judge may allow in his or her discretion.

A court must use reasonable means to advise courtroom visitors of the provisions of this rule and must make the form in Exhibit A available in its clerk's office and on the court's website.

### **11.2 Definitions.**

The following definitions apply in this rule:

(a) "Recording device" means a device capable of electronically or mechanically storing, accessing, or transmitting sounds or images. The term encompasses, among other things, a computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); and any similar devices.

(b) "Recording" means electronically or mechanically storing, accessing, or transmitting sounds or images. "Record" means to electronically or mechanically store, access, or transmit sounds or images, including by photographing, making an audio or video recording, or broadcasting. Nothing in this rule prohibits making written notes and sketches pertaining to any judicial proceedings.

(c) "Courtroom" means the room in which a judge will conduct a court proceeding and the areas immediately outside the courtroom entrances or any areas providing visibility into the courtroom.

### **11.3 Witnesses, Parties, and Spectators, Including Representatives of the News Media.**

The following restrictions apply to use of recording devices by witnesses, by parties, and by spectators, including representatives of the news media.

(a) Witnesses: Witnesses shall turn the power off to any recording device while present in a courtroom, and may use a device while testifying only with permission of the judge. Witnesses shall not record proceedings.

(b) Parties and spectators: Parties and spectators may use recording devices to record proceedings only as specifically authorized by the court pursuant to this rule. All parties and spectators shall turn the power off to any recording device while present in a courtroom, unless the judge allows orally or in writing the use of recording devices in the courtroom for purposes other than recording sounds and images, which the judge may freely do when he or she believes such use would not be disruptive or distracting and is not otherwise contrary to the administration of justice. When such use is allowed, recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

#### **11.4 Attorneys, Employees of Attorneys Such as Paralegals and Investigators, and Self-Represented Parties (Pro Se Litigants).**

(a) Use of recording devices to record: Unless otherwise ordered by the court, attorneys representing parties in a proceeding and self-represented parties may make audio recordings of the proceeding in a nondisruptive manner after announcing to the court and all parties that they are doing so. Recordings made pursuant to this paragraph may be used only in litigating the case or as otherwise allowed by the court or provided by law. Attorneys and self-represented parties may also seek authorization to record proceedings pursuant to Rule 11.5.

(b) Use of recording devices for non-recording purposes: Attorneys and their employees such as paralegals and investigators may use recording devices in a courtroom for purposes other than recording sounds and images, including word processing, storing or retrieving information, accessing the internet, and sending or receiving messages or information. Self-represented parties may do the same but only in direct relation to their proceedings. Recording devices must be silenced and may not be used to make or receive telephone calls or for other audible functions without express permission from the judge.

(c) Limitation: Any allowed use of a recording device under Rule 11.4 is subject to the authority of the judge to terminate activity that is disruptive or distracting or is otherwise contrary to the administration of justice.

#### **11.5 Celebratory or Ceremonial Proceedings, or When the Court Is Not in Session.**

Notwithstanding other provisions of this rule, a person may request orally or in writing, and a judge or judge's designee may approve orally or in writing, use of a recording device in a courtroom to record a celebratory or ceremonial proceeding or use of a recording device in a courtroom when the court is not in session.

#### **11.6 Other Persons or Organizations Desiring to Record.**

Any other persons or organizations, including representatives of the news media, desiring to record a court proceeding shall make application to the judge on the form in Exhibit A following Rule 11.

(a) Submission of a request: The person or organization must submit the request to the judge or to an officer of the court designated to receive requests under this rule. The request should address any logistical issues that are expected to arise.

(b) Time limit for submitting a request: The person or organization must submit the request sufficiently in advance of the proceeding — at least 24 hours where practicable under the circumstances — to allow the judge to consider it in a timely manner.

(c) Notice and hearing: The court will notify the parties of its receipt of a request for recording. Parties shall then notify their witnesses. The prosecutor of a criminal case shall notify alleged victims. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party, witness, or alleged victim objects to a request. The hearing under this paragraph shall be part of the official record of the proceeding.

(d) Time for a party, witness, or alleged victim to object to a request: A properly notified party, witness, or alleged victim waives an objection to a request for recording of a proceeding if the party, witness, or alleged victim does not object to the request in writing or on the record before or at the start of the proceeding.

### **11.7 Denial or Limitation of Recording.**

A properly submitted request for recording should generally be approved, but a judge may deny or limit the request as provided in Rule 11.7. A judge's decision on a request, or on an objection to a request, is reviewable as provided by law.

(a) Denial of recording: A judge may deny a request for recording only after making specific findings on the record that there is a substantial likelihood of harm arising from one or more of the following factors, that the harm outweighs the benefit of recording to the public, and that the judge has considered more narrow restrictions on recording than a complete denial of the request:

- (1) The nature of the particular proceeding at issue;
- (2) The consent or objection of the parties, witnesses, or alleged victims whose testimony will be presented in the proceedings;
- (3) Whether the proposed recording will promote increased public access to the courts and openness of judicial proceedings;
- (4) The impact upon the integrity and dignity of the court;
- (5) The impact upon the administration of the court;
- (6) The impact upon due process and the truth-finding function of the judicial proceeding;
- (7) Whether the proposed recording would contribute to the enhancement of or detract from the ends of justice;
- (8) Any special circumstances of the parties, witnesses, alleged victims, or other participants such as the need to protect children or factors involving the safety of participants in the judicial proceeding; and
- (9) Any other factors affecting the administration of justice or which the court may determine to be important under the circumstances of the case.

(b) Limitation of recording: Upon his or her own motion or upon the request of a party, witness, or alleged victim, a judge may allow recording as requested or may, only after making specific findings on the record based on the factors in the preceding paragraph, impose the least restrictive possible limitations such as an order that no recording may be made of a particular criminal defendant, civil party, witness, alleged victim, law enforcement officer, or other person, or that such person's identity must be effectively obscured in any image or video recording, or that only an audio recording may be made of such person.

### **11.8 Manner of Recording.**

The judge should preserve the dignity of the proceeding by designating the placement of equipment and personnel for recording the proceeding. All persons and affiliated individuals engaged in recording must avoid conduct or appearance that may disrupt or detract from the dignity of the proceeding. No person shall use any recording device in a manner that disrupts a proceeding.

### **11.9 Pooling of Recording Devices.**

The judge may require pooling of recording devices if appropriate. The persons or organizations authorized to record have the responsibility to implement proper pooling procedures that meet the approval of the judge.

### **11.10 Prohibitions.**

The following uses of recording devices are prohibited:

(a) No use of recording devices while the judge is outside the courtroom: Except as provided in Rule 11.5, a person may use a recording device in a courtroom only when the judge is in the courtroom, and use of a recording device must terminate when the judge leaves the courtroom.

(b) No recording of privileged or confidential communications: In order to preserve the attorney-client privilege and client confidentiality as set forth in the Georgia Rules of Professional Conduct and statutory or decisional law, no person shall make a recording of any communication subject to the attorney-client privilege or client confidentiality.

(c) No recording of bench conferences: No person other than the court reporter may record a bench conference, unless prior express permission is granted by the judge.

### **11.11 Recording Not Official Court Record.**

No recording of a judicial proceeding made pursuant to this rule may be used to modify or supplement the official court record of that proceeding without express permission of the judge pursuant to OCGA § 5-6-41 (f).

### **11.12 Disciplinary Authorities.**

Rule 11 does not apply to disciplinary authorities acting in the course of their official duties.

### **11.13 Enforcement.**

Persons who violate Rule 11 may be removed or excluded from the courtroom. A willful violation of this rule may be punishable as contempt of court.

**EXHIBIT A**

**THE MUNICIPAL/RECORDER’S COURT OF \_\_\_\_\_  
STATE OF GEORGIA**

\_\_\_\_\_,  
Petitioner,

v.

Civil Action File: \_\_\_\_\_

\_\_\_\_\_,  
Respondent.

**REQUEST TO USE A RECORDING DEVICE PURSUANT TO  
RULE 11 ON RECORDING OF JUDICIAL PROCEEDINGS.**

Pursuant to Rule 11 of the Uniform Rules for Municipal Court regarding Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings, the undersigned hereby requests permission to use a recording device in Courtroom \_\_\_ in order to record images and/or sound during (all) (the following portions) of the proceedings in the above captioned case/calendar.

Consistent with the provisions of the rule, the undersigned desires to use the following described recording device(s): \_\_\_\_\_. The proceedings that the undersigned desires to record commence on (date). Subject to direction from the court regarding possible pooled coverage, the undersigned wishes to use this device in the courtroom on (date). The personnel who will be responsible for the use of this recording device are: (identify appropriate personnel).

The undersigned hereby certifies that the device to be used and the locations and operation of such device will be in conformity with Rule 11 and any guidelines issued by the court.

The undersigned understands and acknowledges that a violation of Rule 11 and any guidelines issued by the court may be grounds for removal or exclusion from the courtroom and a willful violation may subject the undersigned to penalties for contempt of court.

This \_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Representing/Firm)

\_\_\_\_\_  
(Position)

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Judge, Municipal/Recorder’s Court

Municipal Court of \_\_\_\_\_

Amended August 30, 2018.

### **RULE 12. COMPLETION OF ANNUAL CASELOAD REPORTS**

In order to compile accurate data on the operation of the municipal courts, each chief judge shall ensure the accurate completion and timely submission of the Annual Caseload Reports sent to them by the Administrative Office of the Courts.

Amended August 30, 2018.

### **RULE 13. NOTICE OF SELECTION OF MUNICIPAL COURT JUDGES AND CLERKS OF COURT**

Whenever a judge or clerk of a municipal court shall take the oath required for office in OCGA § 15-10-3, the clerk of court shall forward to the Administrative Office of the Courts the name and title of the person taking the oath; the name of the person being succeeded, if applicable; the term of the office, if applicable; the date assuming duties; and the address and telephone number the official wishes to use for business correspondence.

### **RULE 14. INTERPRETERS; NOTIFICATION FORM**

(a) In all civil and criminal cases, the party or party's attorney shall inform the court in the form of a notice of the need for a qualified interpreter, if known, within a reasonable time — at least 5 days where practicable—before any hearing, trial, or other court proceeding. Such notice shall be filed and shall comply with any other service requirements established by the court. The notice shall (1) designate the participants in the proceeding who will need the services of an interpreter, (2) estimate the length of the proceeding for which the interpreter is required, (3) state whether the interpreter will be needed for all proceedings in the case, and (4) indicate the language(s), including sign language for the Deaf/Hard of Hearing, for which the interpreter is required.

(b) Upon receipt of such notice, the court shall make a diligent effort to locate and appoint a licensed interpreter, at the court's expense, in accordance with the Supreme Court of Georgia's Rule on Use of Interpreters for Non-English Speaking and Hearing Impaired Persons. If the court determines that the nature of the case (e.g., an emergency) warrants the use of a non-licensed interpreter, then the court shall follow the procedures as outlined in the Supreme Court of Georgia's Commission on Interpreters' Instructions for Use of a Non-Licensed Interpreter. Despite its use of a non-licensed interpreter, the court shall make a diligent effort to ensure that a licensed interpreter is appointed for all subsequently scheduled proceedings, if one is available.

(c) If a party or party's attorney fails to timely notify the court of a need for a court interpreter, the court may assess costs against that party for any delay caused by the need to obtain a court interpreter unless that party establishes good cause for the delay. When timely notice is not provided or on other occasions when it may be necessary to utilize an interpreter not licensed by the Supreme Court of Georgia's Commission on Interpreters (COI), the Registry for Interpreters of the Deaf (RID), or other industry-recognized credentialing entity, such as a telephonic language service or a less qualified interpreter, the court should weigh the need for

immediacy in conducting a hearing against the potential compromise of due process, or the potential of substantive injustice, if interpreting is inadequate. Unless immediacy is a primary concern, some delay might be more appropriate than the use of an interpreter not licensed by the COI, RID, or other recognized credentialing entity.

(d) Notwithstanding any failure of a party or party's attorney to notify the court of a need for a court interpreter, the court shall appoint a court interpreter whenever it becomes apparent from the court's own observations or from disclosures by any other person that a participant in a proceeding is unable to hear, speak, or otherwise communicate in the English language to the extent reasonably necessary to meaningfully participate in the proceeding.

(e) If the time or date of a proceeding is changed or canceled by the parties, and interpreter services have been arranged by the court, the party that requested the interpreter must notify the court 24 hours in advance of the change or cancellation. Timely notice of any changes is essential in order to cancel or reschedule an interpreter, thus precluding unnecessary travel by the interpreter and a fee payment by the court. If a party fails to timely notify the court of a change or cancellation, the court may assess any reasonable interpreter expenses it may have incurred upon that party unless the party can show good cause for its failure to provide a timely notification.

**EXHIBIT A**

**THE MUNICIPAL/RECORDER'S COURT OF \_\_\_\_\_  
STATE OF GEORGIA**

\_\_\_\_\_,  
Petitioner,

Civil Action File: \_\_\_\_\_

v.

\_\_\_\_\_,  
Respondent.

**NOTICE OF NEED FOR INTERPRETER  
PURSUANT TO UNIFORM MUNICIPAL COURT RULE 14**

Pursuant to Uniform Municipal Court Rule 14, Petitioner/Respondent presents this Notice of Need for Interpreter in the above-styled case. Petitioner/Respondent provides the following information about the need for a qualified interpreter in this case:

1. The following participants will need interpretation services in this case: [list Petitioner, Respondent, any witnesses, etc.];

2. The interpreter is expected to be needed for: [state the time, date and length of the proceeding for which the interpreter is required];

- 3. The interpreter will/will not be needed for all proceedings in the case; and
- 4. Interpretation services are requested in the following language/s: [list language/s].

Notice submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Attorney for Petitioner/Respondent  
 State Bar Number: \_\_\_\_\_

**EXHIBIT B**

**THE MUNICIPAL/RECORDER’S COURT OF \_\_\_\_\_  
 STATE OF GEORGIA**

\_\_\_\_\_,  
 Petitioner,

Civil Action File: \_\_\_\_\_

v.

\_\_\_\_\_,  
 Respondent.

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served Petitioner/Respondent in the foregoing matter with a copy of the Notice of Need for Interpreter dated \_\_\_\_\_ by:  
 \_\_\_\_\_.

\_\_\_\_\_  
 Attorney for Petitioner/Respondent  
 State Bar Number: \_\_\_\_\_

Amended August 30, 2018.

**RULE 15. VIRTUAL PROCEEDINGS**

**15.1 Virtual Events; Court Proceedings.**

(a) Definitions. “Virtual event” means a meeting or conference conducted by telephone; or any meeting, conference, or court proceeding conducted by video; and shall include any such meeting, conference, or proceeding that includes all participants appearing virtually; as well as hybrid events where there is a mix of live and virtual participation.

(b) Consent. Any event in any court proceeding may be conducted pursuant to UMCR 15.2 as a virtual event if it is done with the consent of the parties and by agreement of the court. Absent consent, the provisions of UMCR 15.1 (c) apply.

(c) Criminal Proceedings. All matters in criminal cases, excluding trials, may be conducted pursuant to UMCR 15.2 except those for which the Constitution or other law requires in-person proceedings. Permissible matters include, but are not necessarily limited to, the following:

- (1) Determinations of indigence and appointments of counsel;
- (2) Hearings on appearance and appeal bonds;
- (3) Initial appearance hearings and waiver of extradition hearings;
- (4) Probable cause hearings;
- (5) Applications for and issuance of arrest warrants;
- (6) Applications for and issuance of search warrants;
- (7) Arraignments or waivers of arraignment;
- (8) Pre-trial diversion and post-sentencing compliance hearings;
- (9) Entry of pleas in criminal cases;
- (10) Impositions of sentences upon pleas of guilty or nolo contendere;
- (11) Probation revocation hearings in cases in which the probationer admits the violation;
- (12) Post-sentencing proceedings in criminal cases;
- (13) Acceptance of special pleas of insanity (incompetency to stand trial);
- (14) Situations involving inmates with highly sensitive medical problems or who pose a high security risk upon the court making findings as may be required by law;
- (15) Testimony of youthful witnesses;
- (16) Appearances of interpreters;
- (17) Administration of any oaths as provided by law; and
- (18) Any other matter with the consent of the parties.

This rule does not abrogate any constitutional right that requires in-person proceedings. Notwithstanding any other provisions of this rule, a judge may order a defendant's personal appearance in court for any hearing.

(d) Effective Date. This rule shall be effective for any virtual event taking place on or after December 12, 2024.

### **15.2 Virtual Events; Generally.**

(a) Facilitation of Virtual Events. The trial judge authorizing the virtual event may specify:

- (1) The time and the person who will initiate the virtual event;
- (2) The party who is to incur the initial expense of the virtual event, if any, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as a part of the costs; and
- (3) Any other matter or requirement necessary to accomplish, facilitate, or control the virtual event.

(b) Confidential Attorney-Client Communications. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege in accordance with Georgia

law. In all criminal virtual events, the defendant and defense counsel shall be provided with a private means of communication when in different locations.

(c) Recording of Hearings. A record of any proceedings conducted by virtual event shall be made in the same manner as all such similar proceedings not conducted by virtual event.

(d) Witnesses. In any virtual event conducted by video, or any in-person proceeding, a witness may testify virtually via video. In any criminal matter, an objection to a witness testifying virtually via video shall be sustained; however, such objection shall act as a motion for continuance.

(e) Technical Standards for Virtual Events Via Video. Any video-conferencing system utilized under this rule must conform to the following minimum requirements:

(1) All participants must be able to see, hear, and communicate with each other simultaneously;

(2) All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method; and

(3) Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications.

(f) Public Access and Open Court. It is the policy of Georgia's courts to promote access to open court proceedings for participants, the general public, and news media. A court is open when the public is able to access the court when a judge is presiding. For any virtual event that would otherwise be in open court and publicly accessible, if the event were conducted live, the virtual event shall constitute open court, subject to any constitutional restrictions, provided that:

(1) If the location from which the trial judge is presiding is not accessible to the public, timely notice shall be given to the parties and the public that a proceeding will occur wholly virtually;

(i) Such notice may be given to the public by an unrestricted website posting, on the court's publicly accessible docket, or similar means.

(ii) In the event a court provides public access to a livestream of all proceedings to which the right of open, publicly accessible court applies, the livestream may constitute such notice, provided that notice of the livestream itself is also provided through the websites of one or more of the following: the court; the clerk of court; the Council of Municipal Court Judges; or the local bar association(s), if any.

(2) If a party or a member of the public objects to the remote proceeding, the court shall sustain or overrule such objection prior to conducting the proceeding; and

(3) The public shall be given an opportunity to view the virtual event, such as by joining the video conference (although unable to participate), through a livestream, or through substantially similar means.

(g) Effective Date. This rule shall be effective for any virtual event taking place on or after December 12, 2024.

Amended December 12, 2024.

## **RULE 16. ADMINISTRATION OF OATHS**

A clerk of the municipal court may administer the oath and sign the jurat for affidavits, including those in support of arrest warrants and search warrants. This rule shall not be

interpreted as otherwise affecting the responsibilities of a judge in hearing applications for arrest and search warrants.

## **RULE 17. HEARINGS ON ISSUANCE OF SEARCH WARRANTS**

Whenever the hearing on the issuance of a search or arrest warrant is not recorded, the judge shall make a written notation or memorandum of any oral testimony which is not included in the affidavit, upon which the judge relies in issuing such warrant.

## **RULE 18. BAIL IN CRIMINAL CASES**

### **18.1 Misdemeanor Cases.**

Bail in misdemeanor cases shall be set as provided in OCGA §§ 17-6-1 and 17-6-2, and as provided by applicable municipal charter or ordinance.

### **18.2 Felony Cases.**

Bail in felony cases shall not be set by the municipal court in those cases which by law the bail may be set only by a superior court judge, unless a specific order has been executed for setting felony bonds by the superior court in the county of the municipality. All defendants in custody on the authority of the municipal court must be presented to the municipal court for initial appearance within the time requirements of OCGA §§ 17-4-26 and 17-4-62 for further consideration of bail.

### **18.3 Categories of Bail.**

The court may set bail which may be secured by:

(1) Cash-by a deposit with the municipal court clerk, municipal treasurer's office, municipal law enforcement or by internal operating procedure of an amount equal to the required cash bail; or

(2) Property-by real estate located within the State of Georgia with unencumbered equity, not exempted, owned by the accused or surety, valued at double the amount of bail set in the bond; or

(3) Recognizance--in the discretion of the court;

(4) Professional-by a professional bail bondsman authorized by the sheriff and in compliance with the rules and regulations for execution of a surety bail bond.

Bail may be conditioned upon such other specified and reasonable conditions as the court may consider just and proper. The court may restrict the type of security permitted for the bond although the local governing body shall determine what sureties are acceptable when a surety bond is permitted.

### **18.4 Amendment of Bail.**

The municipal court has the authority to amend any bail previously authorized by the municipal court under the provisions of OCGA § 17-6-18.

### **18.5 Bail on Bind Over or Jury Demand.**

Whenever a municipal court has set bail on cases that are bound over to another court for any reason, the bond shall be transferred to that agency or court.

## **RULE 19. DISMISSAL AND RETURN OF WARRANTS**

### **19.1 Dismissal of Warrant.**

Any dismissal of a warrant of the municipal court prior to a hearing, trial or transfer to other courts shall be made exclusively by the municipal court.

### **19.2 Assessment of Costs.**

When, in a criminal action, costs are assessed by the court upon the dismissal of a warrant, the amount of costs assessed shall be as set according to the municipal charter, ordinances, or local rule.

## **RULE 20. INITIAL APPEARANCE/COMMITMENT HEARINGS**

### **20.1 Initial Appearance Hearing.**

As soon as is reasonably practicable following any arrest but no later than forty-eight (48) hours if the arrest was without a warrant, or seventy-two (72) hours following an arrest with a warrant, unless the accused has made bond in the meantime, the arresting officer or other law enforcement officer having custody of the accused shall present the accused in person before a municipal judge or other judicial officer for first appearance.

At the first appearance, the municipal judge or judicial officer shall:

- (a) Inform the accused of the charges;
- (b) Inform the accused that he has a right to remain silent, that any statement made may be used against him, and that he has the right to the presence and advice of an attorney, either retained or appointed;
- (c) Determine whether or not the accused desires and is in need of an appointed attorney and, if appropriate, advise the accused of the necessity for filing a written application;
- (d) Inform the accused of his or her right to a later pre-indictment commitment hearing, unless the first appearance covers the commitment hearing issues, and inform the accused that giving a bond shall be a waiver of the right to a commitment hearing;
- (e) In the case of warrantless arrest, make a fair and reliable determination of the probable cause for the arrest unless a warrant has been issued before the first appearance;
- (f) Inform the accused of the right to grand jury indictment in felony cases and the right to trial by jury, and when the next grand jury will convene;
- (g) Inform the accused that if he or she desires to waive these rights and plead guilty, then the accused shall so notify the judge or the law enforcement officer having custody, who shall in turn notify the judge.
- (h) Set the amount of bail if the offense is not one bailable only by a superior court judge, or so inform the accused if it is.

### **20.2 Commitment Hearing.**

- (a) A municipal court judge, in his or her discretion, may hold a commitment hearing even though the defendant has posted a bail bond.
- (b) At the commitment hearing by the court of inquiry, the judicial officer shall perform the following duties:
  - (1) The judicial officer shall explain the probable cause purpose of the hearing.

(2) The judicial officer shall repeat to the accused the rights explained at the first appearance as listed in Rule 20.1 above.

(3) The judicial officer shall determine whether the accused intends to plead "guilty," "nolo contendere" or "not guilty," or waives the commitment hearing.

(4) If the accused intends to plead guilty or waives the hearing, the court shall immediately bind the entire case over to the court having jurisdiction of the most serious offense charged.

(5) If the accused pleads "not guilty," the court shall immediately proceed to conduct the commitment evidentiary hearing unless, for good cause shown, the hearing is continued to a later scheduled date.

(6) The judicial officer shall cause an accurate record to be made of the testimony and proceeding by any reliable method.

(7) The judicial officer shall bind the entire case over to the court having jurisdiction of the most serious offense for which probable cause has been shown by sufficient evidence and dismiss any charge for which probable cause has not been shown.

(8) On each case which is bound over, a memorandum of the commitment hearing shall be entered on the warrant by the judicial officer. The warrant, bail bond, and all other papers pertaining to the case shall be forwarded to the clerk of the appropriate court having jurisdiction over the offense for delivery to the district attorney. Each bail bond shall contain the full name, telephone number, residence, business and mailing addresses) of the accused and any surety.

(9) A copy of the record of any testimony and the proceedings of the first appearance and the commitment hearing shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.

(10) A judicial officer, conducting a commitment hearing, is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment, except where the only charge arising out of the transaction at issue is the violation of a municipal ordinance.

(c) At the commitment hearing, the following procedures shall be utilized:

(1) The rules of evidence shall apply except that hearsay may be allowed;

(2) The prosecuting entity shall have the burden of proving probable cause; and may be represented by a law enforcement officer, a district attorney, a solicitor, or otherwise as is customary in that court;

(3) The accused may be represented by an attorney or may appear pro se; and

(4) The accused shall be permitted to introduce evidence.

### **20.3 Private Citizen Warrant Application Hearings.**

(a) Upon the filing of an application for an arrest warrant by a person other than a peace officer or law enforcement officer, and if the court determines that a hearing is appropriate pursuant to OCGA § 17-4-40, the court shall give notice of the date, time and location of the hearing to the applicant and to the person whose arrest is sought by personal service or by first class mail to the person's last known address or by any other means which are reasonably calculated to notify the person of the date, time and location of the hearing.

(b) At the warrant application hearing the court shall:

(1) Explain the probable cause purpose of the hearing;

(2) Inform the accused of the charges;

(3) Inform the accused of the right to hire and have the advice of an attorney, of the right to remain silent, and that any statement made may be used against him or her.

(c) The warrant application hearing shall be conducted in accordance with OCGA § 17-4-40 (b) (4) and (5) and Rule 20.2 (c) of these rules.

(d) A copy of the record of any testimony and the proceedings of the warrant application hearing, if available, shall be provided to the proper prosecuting officer and to the accused upon payment of the reasonable cost for preparation of the record.

(e) The judge conducting a warrant application hearing is without jurisdiction to make final disposition of the case or cases at the hearing by imposing any fine or punishment.

## **RULE 21. APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS**

The municipal court shall have a procedure and forms consistent with state law in order to determine indigence and to appoint counsel to defendants who apply and qualify for appointed counsel. The applications shall be available through the clerk of the municipal court. The rules of municipal courts shall embrace and include OCGA § 17-12-1 et seq. The Georgia Public Defender Standards, as amended, are incorporated by reference to the extent that they are applicable to municipal courts.

## **RULE 22. ARRAIGNMENT**

### **22.1 Calendar.**

The judge or the judge's designee shall set the time of arraignment unless arraignment is waived either by the defendant or by operation of law. Notice of the date, time and place of arraignment shall be delivered to the clerk of the court and sent to attorneys of record, defendants and bondsmen.

### **22.2 Call for Arraignment.**

At or before arraignment, the court shall inquire whether the accused is represented by an attorney and, if not, advise the accused of the right to indigent defense counsel and the procedures by which an attorney's assistance may be obtained.

At arraignment, the accused, upon a plea of not guilty, may exercise his or her right to have the case bound over to the appropriate state or superior court for a trial by jury. If the accused desires a trial in municipal court before a judge without a jury, the accused shall so signify by executing a written waiver of the right to trial by jury at arraignment. Thereafter, the prosecution may, within ten (10) days, exercise its right to a trial by jury by filing a notice of binding the case over to the appropriate state or superior court. Failure of the prosecution to demand that the case be bound over for jury trial shall be deemed a waiver of the prosecution's right to trial by jury. Thereafter, a revocation of either the accused's or the prosecution's waiver of the right to trial by jury shall be effective only upon written application to the court, which shall approve such revocation unless the court makes specific findings that the revocation will substantially delay or impede the cause of justice.

Upon the call of the case for arraignment the accused, or the attorney for the accused, shall answer whether the accused pleads guilty or not guilty or desires to enter a plea of nolo contendere to the offense or offenses charged; a plea of not guilty shall constitute a joining of the issue.

## **RULE 23. MOTIONS, DEMURRERS, SPECIAL PLEAS, ETC.**

### **23.1 Time for Filing.**

All motions, demurrers, and special pleas shall be made and filed at or before the time set by law, unless time therefor is extended by the judge in writing prior to trial. Notices of the prosecution's intention to present evidence of similar transactions or occurrences and notices of the intention of the defense to raise the issue of insanity, mental illness, or mental competency shall be given and filed at least ten (10) days before trial unless the time is shortened or lengthened by the judge. Such filing shall be in accordance with Rules 23.2 - 23.4.

### **23.2 Time for Hearing.**

All such motions, demurrers, special pleas and notices shall be heard and considered at such time, date, and place as set by the judge. Generally, such will be heard at or after the time of arraignment and prior to the time at which such case is scheduled for trial.

### **23.3 Notice of Prosecution's Intent to Present Evidence of Similar Transactions.**

(a) The prosecution may, upon notice filed in accordance with Rule 23.1, request of the court in which the charging instrument is pending, leave to present during the trial evidence of similar transactions or occurrences.

(b) The notice shall be in writing, served upon the defendant's counsel, and shall state the transaction, date, county, and the name(s) of the victim(s) for each similar transaction or occurrence sought to be introduced. Copies of accusations or indictments, if any, and guilty pleas or verdicts, if any, shall be attached to the notice. The judge shall hold a hearing at such time as may be appropriate, and may receive evidence on any issue of fact necessary to determine the request. The burden of proving that the evidence of similar transactions or occurrences should be admitted shall be upon the prosecution. The prosecutor may present during the trial evidence of only those similar transactions or occurrences specifically approved by the judge.

(c) Evidence of similar transactions or occurrences not approved shall be inadmissible. In every case, the prosecuting attorney and defense attorney shall instruct their witnesses not to refer to similar crimes, transactions or occurrences, or otherwise place the defendant's character in issue, unless specifically authorized by the judge.

(d) If upon the trial of the case the defense places the defendant's character in issue, evidence of similar transactions or occurrences, as shall be admissible according to the rules of evidence, shall be admissible, the above provisions notwithstanding.

(e) Nothing in this rule is intended to prohibit the prosecution from introducing evidence of similar transactions or occurrences which are lesser included alleged offenses of the charge being tried, or are immediately related in time and place to the charge being tried, as part of a single, continuous transaction. Nothing in this rule is intended to alter the rules of evidence relating to impeachment of witnesses.

(f) This rule shall not apply to sentencing hearings.

### **23.4 Notice of Intention of Defense to Raise Issue of Insanity, Mental Illness or Mental Competency.**

Uniform Superior Court Rules 28.3, 31.4 and 31.5, as amended from time to time, and as applicable to municipal courts, are hereby adopted verbatim.

## **RULE 24. CRIMINAL TRIAL CALENDAR**

### **24.1 Calendar Preparation.**

All cases shall be set for trial within a reasonable time after arraignment. The clerk, judge or the judge's designee shall prepare a trial calendar, shall if applicable deliver a copy thereof to the clerk of court, and shall give notice in person or by mail to each counsel of record, the bondsman (if any) and the defendant at the last address indicated in court records, not less than seven (7) days before the trial date. The calendar shall list the dates that cases are set for trial, the cases to be tried at that session of court, the case numbers, the names of the defendants and the names of the defense counsel.

### **24.2 Removal from Calendar.**

No case shall be postponed or removed from the calendar except by the judge.

## **RULE 25. PLEADING BY DEFENDANT**

### **25.1 Alternatives.**

(a) A defendant may plead guilty, not guilty, or in the discretion of the judge, nolo contendere. A plea of guilty or nolo contendere should be received only from the defendant personally in open court, except when the defendant is a corporation, in which case the plea may be entered by a duly authorized attorney at law or a corporate officer. In misdemeanor, traffic and municipal ordinance cases, upon the request of a defendant who has made, in writing, a knowing, intelligent and voluntary waiver of his right to be present, the court may accept a plea of guilty or nolo contendere in absentia.

(b) A defendant may plead nolo contendere only with the consent of the judge. Such a plea should be accepted by the judge only after due consideration of the views of the parties and the interest of the public in the effective administration of justice. A plea of nolo contendere shall be handled under these rules in a manner consistent with a plea of guilty.

### **25.2 Aid of Counsel-Time for Deliberation.**

(a) A defendant shall not be called upon to plead before having a reasonable opportunity to retain counsel, or if the defendant is eligible for appointment of counsel, until counsel has been appointed or right to counsel waived. A defendant with counsel shall not be required to enter a plea if counsel makes a reasonable request for additional time to represent the defendant's interest, or if the defendant has not had a reasonable time to consult with counsel.

(b) A defendant without counsel should not be called upon to plead to any offense without having had a reasonable time to consider this decision. When a defendant without counsel tenders a plea of guilty or nolo contendere to an offense, the court shall not accept the plea unless it is reaffirmed by the defendant after a reasonable time for deliberation, following the admonitions from the court required in Rule 25.8.

### **25.3 Propriety of Plea Discussions and Plea Agreements.**

(a) In cases in which it appears that the interests of the public in the effective administration of criminal justice (as stated in Rule 25.6) would thereby be served, the prosecuting attorney may engage in plea discussions for the purpose of reaching a plea

agreement. The prosecuting attorney should engage in plea discussions or reach a plea agreement with the defendant only through defense counsel, except when the defendant is not eligible for or does not desire appointment of counsel and has not retained counsel.

(b) The prosecuting attorney, in reaching a plea agreement, may agree to one or more of the following, as dictated by the circumstances of the individual case:

(1) To make or not to oppose favorable recommendations as to the sentence which should be imposed if the defendant enters a plea of guilty or nolo contendere;

(2) To seek or not to oppose dismissal of the offense charged if the defendant enters a plea of guilty or nolo contendere to another offense reasonably related to defendant's conduct; or

(3) To seek or not to oppose dismissal of other charges or potential charges against the defendant if the defendant enters a plea of guilty or nolo contendere.

#### **25.4 Relationship Between Defense Counsel and Client.**

(a) Defense counsel shall conclude a plea agreement only with the consent of the defendant, and shall ensure that the decision to enter or not enter a plea of guilty or nolo contendere is ultimately made by the defendant.

(b) To aid the defendant in reaching a decision, defense counsel, after appropriate investigation, should advise the defendant of the alternatives available and of considerations deemed important by him in reaching a decision.

#### **25.5 Responsibilities of the Trial Judge.**

(a) The trial judge shall not participate in plea discussions.

(b) If a tentative plea agreement has been reached, upon request of the parties, the trial judge may permit the parties to disclose the tentative agreement and the reasons therefor in advance of the time for the tendering of the plea. The judge may then indicate to the prosecuting attorney and defense counsel whether the judge will likely concur in the proposed disposition if the information developed in the plea hearing or presented in any pre-sentence report is consistent with the representations made by the parties. If the trial judge concurs but the final disposition differs from that contemplated by the plea agreement, then the judge shall state for the record what information in any pre-sentence report or hearing contributed to the decision not to sentence in accordance with the plea agreement.

(c) When a plea of guilty or nolo contendere is tendered or received as a result of a plea agreement, the trial judge shall give the agreement due consideration, but notwithstanding its existence, must reach an independent decision on whether to grant charge or sentence leniency under the principles set forth in Rule 25.6 of these rules.

#### **25.6 Consideration of Plea in Final Disposition.**

(a) It is proper for the judge to grant charge and sentence leniency to defendants who enter pleas of guilty or nolo contendere when the interests of the public in the effective administration of criminal justice are thereby served. Among the considerations which are appropriate in determining this question are:

(1) That the defendant by entering a plea has aided in ensuring the prompt and certain application of correctional measures;

(2) That the defendant has acknowledged guilt and shown a willingness to assume responsibility for conduct;

(3) That the leniency will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other purposes of correctional treatment, or will prevent undue harm to the defendant from the form of conviction;

(4) That the defendant has made public trial unnecessary when there are good reasons for not having the case dealt with in a public trial;

(5) That the defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct;

(6) That the defendant by entering a plea has aided in avoiding delay (including delay due to crowded dockets) in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.

(b) The judge should not impose upon a defendant any sentence in excess of that which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law merely because the defendant has chosen to require the prosecution to prove the defendant's guilt at trial rather than to enter a plea of guilty or nolo contendere.

### **25.7 Determining Voluntariness of Plea.**

The judge shall not accept a plea of guilty or nolo contendere without first determining, on the record, that the plea is voluntary. By inquiry of the prosecuting attorney and defense counsel, the judge should determine whether the tendered plea is the result of prior plea discussions and a plea agreement, and, if it is, what agreement has been reached. If the prosecuting attorney has agreed to seek charge or sentence leniency which must be approved by the judge, the judge must advise the defendant personally that the recommendations of the prosecuting attorney are not binding on the judge. The judge shall then address the defendant personally and determine whether any other promises or any force or threats were used to obtain the plea.

### **25.8 Defendant to Be Informed.**

The judge shall not accept a plea of guilty or nolo contendere from a defendant without first:

(a) Determining on the record that the defendant understands the nature of the charge(s);

(b) Informing the defendant on the record that by entering a plea of guilty or nolo contendere one waives:

(1) The right to trial by jury;

(2) The presumption of innocence;

(3) The right to confront witnesses against oneself;

(4) The right to subpoena witnesses;

(5) The right to testify and to offer other evidence;

(6) The right to assistance of counsel during trial;

(7) The right not to incriminate oneself; and that by pleading not guilty or remaining silent and not entering a plea, one obtains a jury trial; and

(c) Informing the defendant on the record:

(1) Of the terms of any negotiated plea;

(2) That a plea of guilty may have an impact on his or her immigration status if the defendant is not a citizen of the United States;

(3) Of the maximum possible sentence on the charge, including that possible from consecutive sentences and enhanced sentences where provided by law; and/or

(4) Of the mandatory minimum sentence, if any, on the charge. This information may be developed by questions from the judge, the district attorney or the defense attorney, or a combination of any of these.

### **25.9 Determining Accuracy of Plea.**

Notwithstanding the acceptance of a plea of guilty or nolo contendere, judgment shall not be entered upon such plea without such inquiry on the record as may satisfy the judge that there is a factual basis for the plea.

### **25.10 Stating Intention to Reject the Plea Agreement.**

If the trial court intends to reject the plea agreement, the trial court shall, on the record, inform the defendant personally that (1) the trial court is not bound by any plea agreement; (2) the trial court intends to reject the plea agreement presently before it; (3) the disposition of the present case may be less favorable to the defendant than that contemplated by the plea agreement; and (4) that the defendant may then withdraw his or her guilty plea as a matter of right. If the plea is not then withdrawn, sentence may be pronounced.

### **25.11 Plea Withdrawal.**

(a) After sentence is pronounced, the judge shall allow the defendant to withdraw his plea of guilty or nolo contendere whenever the defendant, upon a timely motion for withdrawal, proves that withdrawal is necessary to correct a manifest injustice.

(b) In the absence of a showing that withdrawal is necessary to correct a manifest injustice, a defendant may not withdraw a plea of guilty or nolo contendere as a matter of right once sentence has been pronounced by the judge.

## **RULE 26. RECORD OF PROCEEDINGS**

A verbatim mechanical recording or a contemporaneous paper record, or both, of the proceedings at which a defendant enters a plea of guilty or nolo contendere shall be made and preserved for a minimum of two years. The record shall include:

- (a) The inquiry into the voluntariness of the plea (as required in Rule 25.7);
- (b) The advice to the defendant (as required in Rule 25.8);
- (c) The inquiry into the accuracy of the plea (as required in Rule 25.9); and, if applicable,
- (d) The notice to the defendant that the trial court intends to reject the plea agreement and the defendant's right to withdraw the guilty plea before sentence is pronounced.

## **RULE 27. PRESERVATION OF EVIDENCE**

### **27.1 Maintenance of Criminal Evidence.**

Prior to and during the trial or hearing:

The clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other material objects or any other case file, shall maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the

items. Dangerous or contraband items shall be placed in the custody of the clerk of the municipal court or his/her designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the court reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the clerk or court reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The clerk of the municipal court shall update the log or inventory to show the current custodian and the location of the evidence. Dangerous or contraband items shall be transferred to the chief of police, sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The chief of police or sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk of the municipal court and the chief of police or sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk of the municipal court shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter, during court proceedings, shall be maintained in accordance with the provisions of OCGA § 17-5-55 and other applicable law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counsel or party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counselor party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory.

The log or inventory of any evidence separated from the original case file shall be maintained in the original case file.

Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counselor party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counsel or party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition. Upon the expiration of the time for the filing of an appeal during which no appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police or sheriff or other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court reporter, chief of police or sheriff or other law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counselor party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police or sheriff or law enforcement agency may dispose of the item(s).

## **27.2 Maintenance of Civil Evidence.**

(a) Prior to and during the trial or hearing:

The clerk of the municipal court in possession of documents, electronic documents, audio and video recordings of whatever form, exhibits, and other material objects or any other case file, shall maintain a log or inventory of all such items with the case number, party names, description of the item, the name and official position of the custodian, and the location of the storage of the items. Dangerous or contraband items shall be placed in the custody of the clerk of the municipal court or designee and be maintained in the courthouse or other such location as allowed by law and be available during court proceedings and accessible to the court reporter. Unless retained in the original case file, all such items admitted as evidence shall be identified or tagged by the clerk or court reporter with the case number and the exhibit number and be recorded in the evidence log or inventory. The clerk of the municipal court shall update the log or inventory to show the current custodian and the location of the evidence.

(b) Once the trial is concluded:

Dangerous or contraband items shall be transferred to the chief of police or sheriff or other appropriate law enforcement agency along with a copy of the log or inventory. The sheriff or other law enforcement agency shall acknowledge the transfer with a signed receipt, and the receipt shall be retained with the log or inventory created and maintained by the clerk of the municipal court. The clerk of the municipal court and the chief of police, sheriff or other law enforcement agency shall each maintain a log or inventory of such items of evidence. In all cases, the clerk shall be granted the right of access to such items of evidence necessary to complete the transcript of the case. In any case in which no court reporter was retained, the clerk of the municipal court shall keep and store the evidence or ensure that it is maintained in an appropriate location.

Evidence in the possession of the clerk of the municipal court or court reporter shall be maintained in accordance with the law. The designated custodian shall be responsible for the recording of the evidence log or inventory, the name of the counselor party, the date, and the purpose for the release of any such items of evidence. Subsequent to admission of any item into evidence by the Court, no substitution for the item admitted into evidence shall be made except by leave of the Court. Any counselor party seeking to make a substitution for admitted evidence after the close of evidence shall file a motion for an order authorizing such substitution. Upon granting of an order for substitution, the order shall be entered into the log or inventory. The log or inventory of any evidence separated from the original case file shall be maintained in the original case file. Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, chief of police, sheriff or other law enforcement agency may, and shall upon written request, return any item of admitted evidence to the counselor party who tendered the same; provided, however, that no item which is contraband or illegal to possess in the state of Georgia shall be returned to any counselor party, and all such items shall, upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, be delivered over to the chief of police or sheriff of the county for appropriate disposition.

Upon the expiration of the time for the filing of an appeal during which no motion for new trial or appeal has been filed by any party, the clerk of the municipal court, court reporter, chief or police, sheriff or other law enforcement agency may notify in writing the counsel or party who tendered any item(s) admitted in evidence in the possession of such clerk, court

reporter, chief of police, sheriff or law enforcement agency, to retrieve such item(s) within thirty (30) days of the written notice, and, upon the failure of the counselor party to retrieve same within such thirty (30) days, the clerk, court reporter, chief of police, sheriff or law enforcement agency may dispose of the item(s).

**RULE 28. COURTROOM ATTIRE**

Head coverings are prohibited in the courtroom except in cases where the covering is worn for medical or religious reasons. To the extent security requires a search of a person wearing a permitted head covering, the individual has the option of having the inspection performed by a same-sex officer in private. The individual is allowed to replace his or her own head covering after the inspection is complete.



## **AGENDA ITEM MEMORANDUM**

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**MEETING OF:** April 20, 2026  
**DEPARTMENT:** [DEPARTMENT]

**ISSUE/AGENDA ITEM TITLE:** Resolution Updating the City of Mableton's Classification and Pay Plan Discussion - Human Resources Director Jeanne Pope

**BACKGROUND/SUMMARY:**

**BUDGETED/FINANCIAL IMPACT – FUND:**

**RECOMMENDATION:**

**ATTACHMENTS:**

1. \_RES 2026-04-20 Resolution Amending Classification and Pay Plan Rev. 3.24.25

**A RESOLUTION UPDATING THE CITY OF MABLETON’S CLASSIFICATION AND PAY PLAN AND FOR OTHER LAWFUL PURPOSES**

**WHEREAS**, the City of Mableton (“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 (“City Council”) thereof; and

**WHEREAS**, City Council desires through this Resolution to update the City’s Preliminary Classification and Pay Plan adopted on or about **March 24, 2025**; and

**WHEREAS**, this Resolution is enacted to safeguard and promote the City’s successful transition and the public health, safety, and general welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of Mableton, Georgia, as follows:

**Section 1. Confirmation of Preliminary Classification and Pay Plan.** The following personnel positions and accompanying salaries parameters shall hereby constitute the City’s Classification and Pay Plan:

<b>City of Mableton Classification and Pay Plan</b>				
<b>Job Title</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Pay Basis</b>	<b>Positions</b>
Public Safety Director	\$150,000	\$200,000	Annual	1
Economic Development Director	\$125,000	\$165,000	Annual	1
Program Manager	\$75,000	\$125,000	Annual	1
Chief of Staff	\$85,000	\$125,000	Annual	1
Public Relations Coordinator	\$55,000	\$85,000	Annual	1
Special Projects Manager	\$75,000	\$125,000	Annual	1
Administrative Supervisor	\$75,000	\$115,000	Annual	1
Executive Assistant	\$25	\$40	Hourly	1
City Clerk	\$75,000	\$125,000	Annual	1
Deputy City Clerk	\$65,000	\$95,000	Annual	1
Part-Time Admin Assistant	\$20	\$35	Hourly	0.5

Finance Director	\$145,000	\$190,000	Annual	1
Deputy Finance Director	\$125,000	\$145,000	Annual	1
Revenue Manager	\$75,000	125,000	Annual	1
Purchasing Manager	\$75,000	125,000	Annual	1
Revenue Analyst	\$65,000	95,000	Annual	1
Revenue Specialist	\$30	40	Hourly	1
Finance Analyst	\$52,000	\$104,000	Annual	2
Administrative Assistant	\$20	\$35	Hourly	1
Human Resources Director	\$145,000	\$165,000	Annual	1
Human Resources Manager	\$100,000	\$125,000	Annual	1
Human Resources Supervisor	\$85,000	\$105,000	Annual	1
Human Resources Business Partner I	\$55,000	\$75,000	Annual	1
Human Resources Business Partner II	\$65,000	\$85,000	Annual	1
Human Resources Business Partner III	\$75,000	\$95,000	Annual	1
Community Development Director	\$145,000	\$165,000	Annual	1
Deputy Director of Community Development	\$100,000	\$135,000	Annual	1
Administrative Assistant	\$20	\$35	Hourly	1
Planning and Zoning Manager	\$85,000	\$125,000	Annual	1
Business License Supervisor	\$75,000	\$115,500	Annual	1
Senior Planner	\$75,000	\$115,000	Annual	2
Planners	\$55,000	\$85,000	Annual	2
Community Development Clerk	\$25	\$40	Hourly	4
Building Inspector	\$55,000	\$95,000	Annual	2
Chief Building Official	\$95,000	\$155,000	Annual	1
Building Inspector Supervisor	\$75,000	\$115,000	Annual	1

Code Enforcement Director	\$95,000	\$145,000	Annual	1
Administrative Assistant	\$20	\$35	Hourly	1
Code Enforcement Supervisor	\$75,000	\$115,000	Annual	2
Code Enforcement Officer	\$55,000	\$85,000	Annual	4
Municipal Court Administrator	\$85,000	\$145,000	Annual	1
Municipal Clerk of Court	\$75,000	\$115,000	Annual	1
Municipal Court Clerk	\$55,000	\$85,000	Annual	1
Deputy Clerk of Court	\$65,000	\$95,000	Annual	1
Deputy Municipal Court Clerk	\$25	\$35	Hourly	1
Municipal Court Administrative Assistant	\$20	\$35	Hourly	1
Sustainability, Greenspace & Beautification Director	\$125,000	\$145,000	Annual	1
Sustainability, Greenspace, and Beautification Manager	\$75,000	\$125,000	Annual	1
Sustainability Greenspace & Beautification Specialist	\$25	\$40	Annual	1
Administrative Assistant	\$20	\$35	Hourly	1
IT Director	\$91,457	\$161,852	Annual	1
IT Technician	\$25	\$40	Hourly	2
Data Analyst	\$25	\$40	Hourly	1
Communications Director	\$125,000	\$145,000	Annual	1
Administrative Assistant	\$20	\$35	Hourly	1
Communications Technician	\$65,000	\$95,000	Annual	1
Communications Coordinator	\$55,000	\$85,000	Annual	1
Parks and Recreation Director	\$97,094	\$161,852	Annual	1
Administrative Assistant	\$20	\$35	Hourly	1
Cultural Arts and Affairs Manager	\$75,000	\$115,000	Annual	1
Operations and Facilities Manager	\$65,000	\$95,000	Annual	1

Events Coordinator	\$25	\$40	Hourly	2
Volunteer Coordinator	\$25	\$40	Hourly	1
Seasonal Employees	\$15	\$20	Hourly	20

**Section 2. Selection/Appointment.** Appointed officers and directors authorized within the parameters of this Classification and Pay Plan shall be nominated by the Mayor with confirmation of appointment by at least three of the other members of the City Council, in accordance with Section 3.10(e) of the City Charter. The City Manager shall have the authority to approve all non-director and non-appointive positions authorized by this Classification and Pay Plan. The positions authorized under this Classification and Pay Plan may be secured as employees or independent contractors.

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**RES**

**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 the City Clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing and renumbering purposes.

**Section 5.** The effective date of this Resolution shall be the date of adoption, unless required otherwise by the City Charter, state and/or federal law.

**BE IT SO RESOLVED,** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

CITY OF MABLETON, GEORGIA:

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Susan D. Hiott, City Clerk

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Michael Owens, Mayor

APPROVAL AS TO FORM:

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Emilia Walker-Ashby, Interim City Attorney