



CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
March 12, 2025 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF AGENDA**
- 6. PUBLIC HEARINGS**
- 7. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS**
 - a. Proclamation Recognizing MS (Multiple Sclerosis) Awareness Week**
- 8. APPOINTMENTS**
- 9. PUBLIC COMMENTS** - 2 minutes per speaker - no more than 30 minutes for all speakers.
Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.
- 10. CONSENT AGENDA**
 - a. Approval of February 10, 2025 Work Session Minutes**
 - b. Approval of February 12, 2025 Regular Meeting Minutes**
 - c. Approval of February 26, 2025 Work Session Minutes (5:15 pm)**
 - d. Approval of February 26, 2025 Regular Meeting Minutes**
 - e. Consideration and Approval Authorizing the City Manager's Office to Execute the Purchase of (1) Ford F-150 Lighting Truck for the Sanitation, Waste, and Beautification Department for Wade Ford of Smyrna, Georgia**
 - f. Consideration of Resolution Authorizing the City Manager to execute approved expenditures within the adopted spending plan or budget that do not exceed \$50,000 - City Manager Bill Tanks**

g. Approval of Planning Commission Meeting Calendar

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- a. Consideration and Approval of a Resolution Authorizing the Mableton Development Authority to Donate Property to Cobb County for the Creation of a Cobb Douglas Public Health Clinic on Property located on Riverside Parkway - City Manager Bill Tanks**
- b. Second Read - An Ordinance Creating Chapter 9, Fire Protection and Prevention, of the City of Mableton Code of Ordinances and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**
- c. Second Read - An Ordinance Creating Chapter 11, Environment and Natural Resources, Article 1, Soil Erosion, Sedimentation and Pollution Control - City Attorney Emilia Walker-Ashby**
- d. Consideration and Approval of a Resolution Updating the Zoning and Permitting Fee Schedule and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**

13. OTHER BUSINESS/DISCUSSION

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

17. 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))

18. 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 at least three days prior to the meeting. The clerk can be located at the City of Mableton Offices, Riverside EpiCenter, 135 Riverside Pkwy, Austell, Georgia 30168 during regular office hours.



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Proclamation Recognizing MS (Multiple Sclerosis) Awareness Week

BACKGROUND/SUMMARY: Councilmember Patricia Auch sponsors this proclamation that will acknowledge March 9-15 (2025) as MS Awareness Week in the City of Mableton.

Multiple sclerosis (MS) is a disease that affects the brain and spinal cord, disrupting communication between the body and the brain. It happens when the immune system attacks the protective covering of nerve fibers, leading to damage and inflammation. While there's no cure, treatments are available to help manage symptoms and improve quality of life.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: Staff recommends the passing of the Proclamation recognizing MS Awareness Week in Mableton.

ATTACHMENTS:

1. CITY OF MABLETON, GEORGIA RECOGNIZING MS AWARENESS WEEK

**PROCLAMATION
CITY OF MABLETON, GEORGIA
RECOGNIZING MS AWARENESS WEEK 2025**

WHEREAS, multiple sclerosis (MS) is a chronic and often disabling disease of the central nervous system, affecting over one million people in the United States, including many residents of Mableton; and

WHEREAS, MS Awareness Week, observed from March 9 to March 15, 2025, is an opportunity to educate the public about MS, advocate for research, and support those living with the disease; and

WHEREAS, Dr. Mitzi Joi Williams-Brown, a distinguished Mableton resident and board-certified neurologist/MS specialist, has dedicated her career to advancing MS research and improving care for individuals affected by the disease, particularly through her work at Joi Life Wellness and the Joi Life Foundation, a Mableton-based 501(c)(3) nonprofit organization advocating for greater minority representation in clinical trials and equitable healthcare access; and

WHEREAS, the City of Mableton acknowledges the significance of raising awareness about MS and recognizes the efforts of healthcare professionals, researchers, advocates, and caregivers who are committed to finding a cure and improving the quality of life for those affected; and

WHEREAS, increasing awareness and understanding of MS within our community fosters compassion, promotes access to resources, and strengthens efforts to support those living with this disease;

NOW, THEREFORE, I, **Michael Owens, Mayor of the City of Mableton**, do hereby proclaim the week of **March 9-15, 2025**, as **MULTIPLE SCLEROSIS AWARENESS WEEK**

in the City of Mableton and encourage all residents to learn more about multiple sclerosis, support individuals affected by the disease, and advocate for continued research and treatment advancements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mableton to be affixed this **12th day of March, 2025**.



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of February 10, 2025 Work Session Minutes

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. February 10, 2025 Work Session Meeting Minutes



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
February 10, 2025 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL WORK SESSION MINUTES

1. CALL TO ORDER

Mayor Owens called the meeting to order.

2. ROLL CALL

City Clerk Hiott conducted the roll call and a quorum was present. Councilmember Davis was absent.

3. INVOCATION

City Manager Tanks led the invocation.

4. PLEDGE OF ALLEGIANCE

Councilmember Ferguson led the Pledge of Allegiance.

5. AGENDA ITEMS AND DISCUSSION

a. Rausch Advisory Services Presentation - Recruiting Services - Mike Harrington
Mayor Owens announced the item and recognized City Manager Bill Tanks who explained Rausch was invited to speak about some recruiting services for the city. Mr. Harrington provided an overview of Rausch, addressing how they provided consulting and recruiting services. The presentation is available in the agenda packet. Mr. Harrington explained the process of recruiting for three main services: Internal Audit, Information Technology, and Finance and Accounting. They offer contract hiring. An individual would have a probationary period through Rausch. Transparent pricing was shown in the presentation. Rausch will ensure candidates are technically vetted, and that background screening and reference checks are performed prior to submittal of the candidate.

Mr. Tanks asked for confirmation of the following:

- (1) If Rausch brings a candidate and the City does not think the candidate is what they want, there is no cost to the City unless Rausch brings a successful candidate.
- (2) For specific jobs, the City's rate structures are set, and Rausch will not bring candidates that are seeking more than the city's rate.

There is no cost unless the City hires the perfect candidate.

A handout was given out to the Mayor and Council, Clerk, and City Manager.

Questions and discussion followed.

b. FY2025 Q2 Budget Report - City Manager Bill Tanks

Mayor Owens announced the item and noted the report was an update from the report at the last meeting. The report would not be on the Regular Meeting Agenda on Wednesday. He recognized City Manager Tanks who provided the updated reports. The report is available in the record of the agenda packet. He said that Councilmember Ferguson had asked for budgeted trends. Councilmember Jeffcoat had asked about Austell Gas at the last meeting. City Attorney Walker-Ashby reported she called Austell Gas and the check would be in the mail this week.

Summary of presentation:

- Mr. Tanks noted the City would be hiring someone to watch and monitor revenues.
- Mr. Tanks continued to go through the departments' budget comparisons. Questions and discussion continued.
- Mr. Tanks reported the City was financially trending very well. He thanked Dawn Glidden for all of her work. He commended Financial Consultant Chris Pike, also.
- Spending Plan - Projected based on the first six months of operation was \$3,827,509. The actual to date was \$3,588,626 and to be collected is \$10,238,883 (at 26%).
- He explained the City did not receive the projected \$4 million in insurance premiums.
- The Hotel/Motel Excise Tax was projected at \$242,582 and the actual was \$256,862. The projection for 12 months is \$513,723 (112%).
- Mr. Tanks addressed the projections for the DMO.
- Mr. Tanks addressed the budgeting per department.
- The upcoming GMA conference will take some of the travel and educational allocations.
- Some of the items were not allocated properly. For example, the GMA membership fee was included in the Council's budget.
- Mayor Owens stated some of this would true up as a transition to going to different systems and accounting processes evolve.
- Mr. Tanks addressed moving items around in conjunction with changing accounting systems from Quick Books to BS&A.
- Insurance premiums cost a lot.
- Legal did not include the last billing from the lawsuit attorney.
- Councilmember Ferguson asked about the allocation of insurance currently being in Human Resources Department. Mr. Tanks stated this will be changed to each department in the future budgets.
- Mayor Owens stated the City knows the positions to be hired, and should have an idea of who is being hired and when. Therefore, when factored in, this could give a more idea of what the numbers would be.
- Mr. Tanks reiterated all of this was projections.

- There are a lot of other issues to look at, such as SDS. Overall, the plan was working.
- Mayor Owens asked if the City was projecting any funds from inspections, sign permits, etc. Mr. Tanks explained the City did not have a monthly average, so from projected from March 1st to June 30th. The City was not putting any projections in at that time. Discussion occurred.
- Councilmember Feguson asked where the purchase of the vehicles were shown. Mr. Tanks and Ms. Glidden explained the new Code Enforcement vehicles expenditures will show up in January reports.

c. 6116 Operations Building Status Report - City Manager Bill Tanks, Program Manager Chad Kastner, and Special Projects Manager Xavier Ross

(Item 12 c was discussed after 12 a) - (at 7:15 pm)

Mayor Owens announced the item and recognized City Manager Tanks. Mr. Tanks stated Chad Kastner was the program manager for the 6116 Community Development Operations Building. Mr. Kastner will send a presentation to the Council. The presentation is available in the agenda packet.

Highlights of the presentation:

- The existing entry for Suite 140 and the new entry for Suite 140 was shown.
- New workspaces for Suite 140 was shown.
- New Break Room for Suite 140 was shown.
- Existing restroom vs the new restroom
- Council approved \$324,814.05 for CSC General Contractors.
- There were three change orders.
- Total spent for construction \$333,568.05 - \$9,020.85 paid by the building owner
- Council approved \$52,324.00 for Network, AV, and Access Control to NCI.
- The City also approved \$4,704.60 to Knine All Systems for Intrusion Alarm.
- Total spent for Low Voltage Work \$52,028.60. This was completed within budget.
- Council approved \$45,213.00 for Concept, Design, and Management AEI and STV Company.
- Additional \$4,925.00 for permitting with Cobb County.
- Total spent for Design and Management \$50,138.00.

Mr. Kastner thanked the Mayor and Council for partnering with his firm.

Questions and discussion followed.

- Mayor Owens pointed out there were only 3 change orders and 2 out of 3 were paid by the property owner.
- Mayor Owens questioned about transitioning and the hand-over of all equipment, infrastructure, firewalls, access points, switches, etc.
- Mr. Kastner reported that he was waiting for the internet to be installed by AT&T. He named other items in place that were ready.
- Once everyone is in, there will be training sessions.

- Mayor Owens asked about the infrastructure devices, noting the system needs to be handed over to somebody. That will need to be discussed later.
- Mayor Owens asked if there was any NCI documentation. Mr. Kastner replied yes.
- Mayor Owens asked what the password was, such as to the firewall?
- Mayor Pro Tem Jeffcoat asked what was the expected move in date? Special Projects Manager Xavier Ross provided an expected timeline for moving into the building. Discussion followed about the concerns about getting all the items done and concerns about the timeline.

Councilmember Ferguson commented that the building was wonderfully done, but there should have been more communication about the low-voltage items. Someone should have let the Council know if they could have helped. Mr. Tanks explained how it was time to transition to staff who were getting paid to do the work, and they should get the job done and be independent of calling on the Council. He commented further that this can't happen at 1245 Veterans Memorial. He was not holding Xavier Ross responsible. Mr. Tanks stated he took responsibility. Mayor Owens stated he spoke with AT&T and the issue will be expedited. Mayor Owens explained that the questions at hand are not just about the internet. There are more items to have an understanding of, such as transitioning access to the system. There is no documentation, and there should be hand-off information. Additional technical-related discussion followed. Mayor Owens asked for documentation of how the system is connected and how to manage it on a day-to-day basis. Mr. Tanks commented this would be discussed later.

d. Code Enforcement Department Update - Code Enforcement Director Alejandro Ferrell

Mayor Owens announced the item and recognized Code Enforcement Supervisor Alejandro Ferrell. The presentation is available in the record.
(8:19 p.m).

Presentation summary:

- Code Enforcement Director started January 13, 2025.
- Three new vehicles were purchased and will need special lighting.
- Two supervisors start on February 4, 2025.
- The position of Building Inspector for two roles have been posted.
- Meetings with the County and other staff and entities were reported
- Mission Statement was addressed.

Questions and discussion followed:

- There was discussion about looking at all of the tire shops throughout the city and planning to work with them.
- Mayor Owens asked about See Click Fix. Mr. Ferrell stated he had looked at the module and was working on a process.
- Mayor Owens asked if there were any conversations with the County and that Mableton related entries may still be going to the County.
- Mr. Ferrell addressed the need to have something on the City's website. He spoke

about receiving open cases from the County.

Mr. Ferguson asked City Manager Tanks about getting the website underway. Mr. Tanks stated there was a need for a more robust website. IT support and website were at the top of his list. Mr. Ferguson asked for information to place on a splash space. Staff needed to give Mr. Ferguson website information. Mayor Owens stated if staff would say what they wanted, that could be done. The City should have something on the website. Mr. Ferguson stressed the importance of having information out to the public. Mayor Owens stated it was not as complicated. City Manager explained he would like to make sure staff were not relying on the Mayor and Council for website needs. There should be something on the website. It is not necessarily the tool, it is the capacity that the residents can go right to the source. He wanted a more robust website. Mr. Ferguson reiterated that City needed to rely on him for now. Give him just five pages with links and he can get the website done. Nothing complicated at all for now. Mr. Ferguson stated he realized the need for another website, but for now, staff needed to get the information to him. Mayor Pro Tem Jeffcoat asked what it would take to get another website, and Mr. Tanks explained the RFP process.

Councilmember Auch asked about when the city would have a municipal court. Mr. Tanks explained how the first phase of Code Enforcement is education. He was looking at bringing on a court administrator. The Council would have to appoint a judge. He anticipated it by the end of June. He was focused on SDS, budget adoption, and hiring of all directors.

Mr. Tanks stated he was directing staff to get all the information together and give it to Councilmember Ferguson. Councilmember Oladapo asked that the name and information be on the website. Mayor Owens explained the way the system was set up, there are underlying infrastructure changes that have to be made. The way everything is configured right now, staff will have to use the Mayor and Councilmember Ferguson. The City was new, and certain things were in place and there must be a transition process to be done. Until then, Mayor Owens and Councilmember Ferguson want to help. Mr. Tanks expressed how grateful he was for all they had done.

e. Sustainability, Waste, and Beautification Department Update - Sustainability, Waste & Beautification Director Emily Groth

Sustainability, Waste, and Beautification (SWB) Director Emily Groth reported. Her presentation is within the record. She provided background information, projects and timelines and financial outlook.

Highlights of the presentation:

- The ordinance was passed January 28, 2025.
- Phase I was education and onboarding.
- Phase 2 was hauler contracting.
- Phase 3 was implementation and program operations.
- Councilmember Ferguson asked if Ms. Groth would she be using GovPilot. Ms. Groth explained her process, noting that she did not need any software at that time. Mayor Owens noted there are only about ten vendors and quarterly

payments. Right now they give a check to the city.

- Ms. Groth addressed the ARC Green Communities Certification criteria. The 2025 applications are due May 22.
- Keep Mableton Beautiful and Community Engagement programs were addressed.
- The Financial Outlook included:
 - February 26- March 26 - Application Fee (based on gross receipts) Decals
 - August 15 - EF Fees due from Q2
- The City of Mableton is committed to providing reliable and sustainable services for residents and businesses.
- Councilmember Ferguson asked about dates. March 26 will be date to approve haulers.
- Councilmember Herndon asked when the community would see results from the fees such as trash cans, or another tangible way to see beautification initiatives. Ms. Groth explained there would be smaller events at first, such as drop-offs, etc. Mr. Tanks provided additional information. The City won't get a good gauge until August 15th. The larger projects such as compost cowboys, people should start seeing improvements soon. Long-term, nine months, the City will know she is here. Councilmember Herndon commented about how she wanted to see where the funds were going and could see where the extra fee was helping toward the beautification of Mableton.
- Mayor Owens explained that SWB was not an enterprise fund, but he would like the idea of knowing initiatives and where the funding was coming from.
- Councilmember asked about the upcoming Arbor Day Recognition and explanation followed.

f. Community Development Update - Director Juliana Njoku

Mayor Owens announced item and recognized Community Development Director Juliana Njoku who provided a report. The report is available in the agenda packet.

Information given in the report:

- Business License and Renewals.
- YTD Total Transactions: 3,325 Total Revenue: \$3,188,189.
- New staff was addition of new Business License Manager, LaMaya Edmonds.
- Zoning and Permitting Launch - Service Date: March 3, 2025.
- Main activities were announced.
- The Department is supported by staff, IGA's, Contracts for Inspections and Engineering.
- Community Development was recruiting a Senior Planner.
- The moving schedule was given. All staff will be moved by February 14th to the new location - 6116 Mableton Parkway.
- Councilmember Ferguson asked about the Gov Pilot platform.
- Councilmember Jeffcoat asked about the Planning Commission training schedule. Ms. Njoku explained the timeline and process for training.
- Councilmember Herndon asked when Comp Plan and Zoning Connect. When the Comp Plan is completed June - comes after P & C.
- Councilmember Auch asked when were the next community engagement meetings. Ms. Njoku reported the stakeholders interviews were occurring. Meeting dates will

have two adjustments. Mission and Vision coming at the next committee meeting. John Funny will be at the spring conference to provide updates.

- Mayor Owens asked about the Safebuilt Contract - City Attorney Emilia Walker reported staff were meeting with them tomorrow. There have been some hiccups. Safebuilt has had some staff changes.

6. PRE REGULAR MEETING AGENDA REVIEW

a. Review of February 12, 2025, Regular Meeting Agenda

Mayor Owens led in the review of the upcoming February 12, 2025 Regular Meeting Agenda.

There was a resolution for the appointment of the chair of the Mableton Development Authority. The appointment is a continuation of the current chair. Mayor Owens supported the appointment of Jason Gaines. Councilmember Auch asked if there could be legislation to change the appointment of the chair to be by the MDA. Discussion followed about the General Assembly made the legislation for the MDA.

Pay and Classification Pay Plan Update - Mayor Owens explained that as a new city, the Pay and Classification Plan will continue to be updated.

Mr. Tanks announced the changes to the Pay and Classification Plan. Finance Department added an Accounting Manager, and added a Chief Building Inspector. Mayor Owens was happy to see the Chief Building position come back and to have this position in-house.

Direction was given to add Keystone Management to the Consent Agenda. Special Projects Manager Xavier Ross reported that this contract was for cleaning and services for 6116 Mableton Parkway (Operational) and 1245 Veterans Memorial (Administrative).

Procedure for Government Representatives to Request Speaking Opportunities at City Council Meetings - Mayor Owens explained the reason for the policy. Council deliberated the time allocation for the speakers. Council agreed for each speaker to be allocated up to 5 minutes to present their topic. Additional time may be allocated by the Mayor to address City Council questions and comments. This item will be on the Consent Agenda.

Rushton for 2024 Audit - This was discussed previously. The amount of the audit is \$24,000. The City has a six-month extension for the 2024 Audit. This can be added to the Consent Agenda, but be sure to add the amount not to exceed \$30,000.

First Read of an Ordinance updating the Zoning Fee Schedule - City Attorney Emilia Walker-Ashby reported there were some additional fees to be added to the Zoning Fees Schedule. She has asked Rob Hosack to update the schedule, and Mr. Hosack provided an updated schedule over the weekend. There will be a public hearing on this. She named the additional categories for the fees.

7. ANNOUNCEMENTS

None.

8. 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))
None.

9. ADJOURNMENT

Motion was made by Mayor Pro Tem Jeffcoat and seconded by Councilmember Ferguson to adjourn. The motion passed 6-0. There being no further business, the Mayor adjourned the meeting.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of February 12, 2025 Regular Meeting Minutes

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. February 12, 2025 Regular Meeting Minutes



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
February 12, 2025 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING MINUTES

1. CALL TO ORDER

Mayor Owens called the meeting to order and welcomed everyone.

2. ROLL CALL

The City Clerk conducted the roll call and a quorum was present. Councilmember Davis was not present.

3. INVOCATION

City Manager Tanks led in the invocation.

4. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Keisha Jeffcoat led the Pledge of Allegiance.

5. APPROVAL OF AGENDA

Mayor Owens announced the item. He announced he would like to defer Item 12b. He recognized City Attorney Walker-Ashby. She explained that the ordinance was sent to the State Insurance Commissioner Office via email and certified mail. She wanted to defer the item to make sure there would not be any adjustments.

Councilmember Auch suggested that Item 12c be deferred also. She had some information that she would like to verify. She asked if the agenda packet had been updated recently. City Attorney Walker-Ashby explained she had added additional information. She provided background of how she had noticed some fees were missing. She asked consultant, Rob Hosack to provide the additional information. The City's Planning and Zoning goes live March 3. This past week, he added the supplemental information. This would be the First Read. The public hearing will be March 10th and adoption on March 12th. The information was added on Monday, February 10th. City Attorney Walker-Ashby explained the Zoning Act, needing advertising 15 days prior to the required public hearing. The public can see the fees in the agenda packet.

Questions and discussion continued about the ordinance being a First Read:

City Attorney Walker-Ashby will ask Mr. Hosack to send the County's fee schedule for comparison.

Councilmember Auch expressed concern about the \$100 fee for backyard chickens.

Councilmember Auch noted there was an item not added and updated in Consent Item 10b regarding Consideration and Approval adopting a Procedure for Government Representatives to Request Speaking Opportunities. Discussion followed.

Motion was made by Councilmember Jeffcoat to approve the agenda including deferral of Item 12 b Second Read an Ordinance Creating Chapter 9, Fire Protection and Prevention to the next meeting. Councilmember Ferguson seconded.

Discussion followed about Consent Item 10 b. (Clerk's Note: Item 10 b was in Consent - regarding additional time allocated by the mayor for questions and comments on the Procedure for Government Representatives to Request Speaking Opportunities).

Mayor Owens called for a vote on the original motion. The vote was 3 to 3. Nays Oladapo, Jeffcoat, Owens. Yays: Auch, Ferguson and Herndon

A friendly amendment was made.

Motion was amended to read as written with deferring Item 12b to next meeting and moving 10 be from Consent transferred to New Business which will be Item 12d. The motion passed 5-1. Nay was Councilmember Auch.

6. PUBLIC HEARINGS

7. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS

8. APPOINTMENTS

a. Resolution for Appointment of Mableton Development Authority Chair

Mayor Owens announced the item and provided background regarding the reappointment of Jason Gaines as chairman of the Mableton Development Authority. Mr. Gaines was not present.

9. PUBLIC COMMENTS - 2 minutes per speaker - no more than 30 minutes for all speakers. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

The following expressed their concerns about an event held by The Auto Hangar ATL located at 2360 Harris Street, Austell, Georgia, city limits of Mableton:

- Joanna Conner provided a copy of SLU submitted to the County that was withdrawn. She described unsafe activities of the cars participating in the event in her neighborhood area, including cars doing donuts, speeding, flames coming out from the cars.
- Brielle Tumey expressed concerns about the chaos, cars running the stop signs, reckless driving, and that small children are in neighborhood.

- Cathy Evans expressed concern about the cars racing up and down the road during the church services where there were small children.
- John Tumey expressed concern about the small neighborhood and that kids playing. There was a four-way stop sign and the cars were running and racing through the stop sign.

10. CONSENT AGENDA

Motion made by Mayor Pro Tem Jeffcoat and seconded by Councilmember Oladapo (Item 10 b was removed and added to New Business 12d). The motion passed unanimously.

- Consideration and Approval of Audit Engagement Letter with Rushton for 2024 Audit - not to exceed \$30,000**
- Consideration and Approval of Facilities Maintenance Contract with Keystone Management for City Buildings**
- Consideration and Approval of Resolution Updating the Classification and Pay Plan**
- Approval of January 28, 2025 Special Called Meeting Minutes**
- Approval of January 22, 2025 Work Session Minutes**
- Approval of January 22, 2025 Regular Meeting Minutes**

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- Second Read - An Ordinance Creating Article 2, Elections Under Chapter 2, Administration, of the City of Mableton Code of Ordinances and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**

Mayor Owens announced the item and provided a summary. He noted the ordinance was a second read. He asked if there were any changes. City Attorney Walker-Ashby confirmed no changes.

Motion was made by Councilmember Oladapo to approve an Ordinance Creating Article 2, Elections Under Chapter 2, Administration of the City of Mableton Code of Ordinances and seconded by Councilmember Ferguson. Councilmember Ferguson asked if this was something that would need to be done continuously. Attorney Walker-Ashby explained there will be an Intergovernmental Agreement with the County. The motion passed 6-0.

- Second Read - An Ordinance Creating Chapter 9, Fire Protection and Prevention, of the City of Mableton Code of Ordinances and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**

This item was deferred to the next meeting.

- First Read: of an Ordinance Updating the Zoning and Permitting Fee Schedule and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby**

Councilmember Auch stated she would like to have the \$100 permit fee for backyard chickens removed from the proposed fee schedule. She would like to pull it from the

agenda to have time to review the other fees as well. Councilmember Ferguson agreed. The City Attorney will consult with Mr. Hosack to clarify the source of the data used in the permit fee schedule and compare it to the fees set by the County. Initially, she requested that Mr. Hosack aligns the City's fees with those of the County. Councilmember Auch suggested setting the fee for backyard chickens at zero dollars.

The City Attorney clarified that the County Code, which she requested to have mirrored in the City's code, requires a permit for backyard chickens on properties under 2 acres, with specific stipulations. She outlined the permitting process as defined in the County Code and explained that the Community Development Department is responsible for managing and reviewing applications, which will notify the City of residents keeping chickens or coops. Once an application is submitted, the City will notify the County and maintain a log. The City ultimately has the discretion to either retain the current regulations or adjust them, including altering any associated fees. She noted that this regulation may not currently be tracked/enforced by the County.

Mayor Owens summarized that the decision ultimately hinges on whether the City wishes to impose a fee. He encouraged the Council to conduct the necessary research and propose any adjustments. The City Attorney stated that she would ask Mr. Hosack to send her a copy of the fee schedules used to assess accuracy and consider potential adjustments to City's proposed fees.

Mayor Pro Tem Jeffcoat asked if the Council would be able to receive the info needed to decide on the matter ASAP in order to have enough time for a thorough review. City Attorney explained the time sensitivity of the issue with the City opening up for permitting on March 3rd. If the City does not get through the adoption process before March 3rd, a temporary moratorium will be put in place until fees are designated. This will allow the City to defer the acceptance of permitting applications until the fee has been decided.

Councilmember Ferguson asked when the County stopped accepting zoning applications. The City Attorney confirms that the County has already stopped accepting applications despite the request of the City for them to officially stop on March 3rd. Councilmember Ferguson expressed concern for those applicants that may have gotten lost in the transition. The City Attorney stated that those who have submitted their money to the County will have their request completed to fruition by the County. City Manager Tanks stated that it would require a case-by-case assessment but, in general, if the County accepts the services, they should complete them. Attorney Walker-Ashby affirmed that to date, Cobb County has not taken any money for any service that they have not completed the process for.

The official deadline for Cobb County to stop accepting applications is March 3rd. Juliana, the Community Development Director, acknowledged and confirmed that the County ceased accepting applications in January, as there is a 60-day period for applicants to be heard at the County's public hearing.

City Manager Tanks explained that while there are many nuances, the general rule is that if the fees were paid in Cobb, the process would be completed in Cobb. The City may become involved in specific aspects depending on the needs of each individual case. The Mayor's final thought was that the Council should conduct research to assess all proposed

fees.

d. Consideration and Approval of a Resolution Approving adopting a Procedure for Government Representatives to Request Speaking Opportunities at City Council Meetings and for other lawful purposes

Mayor Owens explained that the purpose of this resolution is to establish guidelines for presentations from other government agencies. The City will limit presentations to actions and activities relevant to the City directly, with a 5-minute allotment to each presenter. If there are questions or concerns following the presentation, additional time can be granted. Councilmember Ferguson asked for clarification on "government representatives." The Mayor clarified.

Councilmember Ferguson proposed setting a cap on the total time allotted for all presentations within the SOP (Standard Operating Procedure). Discussion ensued.

Councilmember Oladapo suggested a 30-minute total allotment for presentations, which Council Member Ferguson agreed to. Councilmember Auch expressed concerns about other entities using the allowed time for unrelated business. It was agreed that each presenter would be given 5 minutes max, and the total time for all presentations would not exceed 30 minutes.

Councilmember Ferguson made a friendly amendment to the original motion.

Motion was made by Councilmember Ferguson to approve the Resolution to Adopt a Procedure for Government Representatives to Request Speaking Opportunities at City Council Meetings and for other lawful purposes and authorizing the City Attorney to amend and place a 30-minute time limit. Mayor Pro Tem Jeffcoat seconded the motion. The motion passed 6-0.

13. OTHER BUSINESS/DISCUSSION

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

City Manager Tanks recognized Lamaya Edmonds, the recently appointed Business License Supervisor. He also acknowledged Lily Smith for her promotion to Administrative Supervisor. Additionally, he celebrated Xavier Ross, Special Projects Manager, for being selected to attend the Local Government Budgeting Convention hosted by the Southern Economic Advancement Project in Phoenix, AZ.

Mayor Owens stated he was pleased to have Ms.Edmonds join the team. He also expressed his full support and well-wishes for Lily as she transitions into her new role as Administrative Supervisor, stepping away from her position as his Executive Assistant.

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS

No comment

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

Councilmember Oladapo expressed her gratitude to everyone for attending.

Mayor Pro Tem Jeffcoat expressed gratitude to everyone who attended tonight. She congratulated the new employees. She recognized Lily Smith for her well-deserved promotion, emphasizing the importance of excellence in the City. She then congratulated those who won their respective district elections, extending special congratulations to the District 4 County Commissioner on her re-election. She highlighted the importance of voting and expressed concern over the low voter turnout at the polls. She recognized Black History Month. She also celebrated the ribbon-cutting at the new Cobb Works facility in her district, and thanked everyone involved and emphasized the importance of workforce development. To close, she extended a heartfelt Happy Valentine's Day to all.

Councilmember Ferguson expressed excitement about the Cobb Works facility opening. He highlighted the focus on empowering City residents, with the hope that the knowledge and experience gained in the “world” will be poured back into the long-term development of the City as a whole. He emphasized the importance of the youth’s understanding of local government and getting involved.

Councilmember Herndon thanked everyone for attending and extended a Happy Valentine’s Day.

Mayor Owens recognized the Cobb Works opening as a great opportunity to see a “10-year vision put in place.” He noted that much of the work being done in and around the City is generational, with its impact unfolding over time. He also congratulated District Commissioner Monique Sheffield on her election win and acknowledged those who came out to vote.

Mayor Owens referenced a recent meeting with Senator Ossoff’s team regarding the City’s post office. He reassured the community that the post office would remain open, highlighting that the building’s exterior has been repaired and anti-theft devices have been installed for added security.

Mayor Owens highlighted the significant challenge posed by the 16,000 homes and businesses in the city that do not have a Mableton address. He explained that Mableton was originally recognized by the 30126 ZIP code, but when city boundaries were established, other ZIP codes were incorporated. He further noted that, as a city of 80,000, a large portion of the population resides outside the Mableton ZIP code—specifically in Smyrna, Marietta, and Austell. He emphasized that no one was removed from one city and added to another. He noted that a large portion of Cobb County is unincorporated, but the post office requires everyone to have a city address.

Mayor Owens acknowledged that a solution has been reached, but he is actively working on the issue. He asserted that Senator Ossoff’s team is aware of the challenges. He emphasized that vanity is not the driving force behind the proposed changes and highlighted other concerns, such as ensuring business owners have accurate business licenses and improving public safety’s ability to locate addresses quickly, among others.

Mayor Owens assured that he had been in discussions with the leadership at the post office and the Postmaster for nearly a year, but progress has been slow. As a result, he has decided to escalate the issue to Senator Ossoff’s office and will continue to push forward to resolve the matter.

17. 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))

Motion was made by Councilmember Oladapo and seconded by Mayor Pro Tem Jeffcoat to enter into Executive Session for litigation, real estate & personnel. The motion passed unanimously. Ayes: Oladapo, Jeffcoat, Auch, Ferguson, Herndon and Owens.

Motion was made by Councilmember Oladapo and seconded by Councilmember Ferguson to close Executive Session for litigation, real estate & personnel. The motion passed unanimously. Ayes: Oladapo, Jeffcoat, Auch, Ferguson, Herndon and Owens

18. ADJOURNMENT

Motion was made by Mayor Pro Tem Jeffcoat and seconded by Councilmember Auch to adjourn @ 9:42pm.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of February 26, 2025 Work Session Minutes (5:15 pm)

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. February 26, 2025 Work Session Minutes (5:15 pm)



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
February 26, 2025 at 5:15 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL WORK SESSION MINUTES

1. CALL TO ORDER

Mayor Owens called the meeting to order. Councilmember Oladapo arrived a few minutes after the roll call.

2. AGENDA ITEMS AND DISCUSSION

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to approve the acceptance of the agenda as written. The motion passed unanimously.

3. PRE REGULAR MEETING AGENDA REVIEW

Mayor Owens announced he would preside over the work session. Due to a previous commitment, he could not attend the regular meeting. Mayor Pro Tem Jeffcoat would preside over the regular meeting.

Mayor Owens led in the preview of the Regular Meeting Agenda items:

- **Item 8 a - Appointment** - Mayor Owens announced his recommendation for the City's Finance Director, Karen Ellis. She was present. He provided background of the interviewing process for Ms. Ellis. He stated he was confident in her abilities. Ms. Ellis came up to the podium and thanked the Council and expressed her excitement about joining the City of Mableton. She thought it was very exciting to start a city from the ground up. She thanked the Council for the opportunity to work for Mableton. Mayor Owens added that she lived in Vinings Estates. Mayor Owens officially nominated Karen Ellis as Finance Director. He asked if there were any questions. There was none. There will be a vote at the regular meeting.
- **12 a Willow Oak as Official Tree** - Mayor Owens thanked Sustainability, Waste, and Beautification Director Emily Groth for her work. He added that the Dogwood came up as a potential City tree. Although it is beautiful, it is used a lot. The Maple tree was not selected because of confusion, being close to the Mableton name. The MDJ will have a story on the Willow Oak selection on Friday.
- **12 b - Croy Engineering services** - the City goes live with permitting Monday and Planning and Zoning on the 13th. The City will need engineers to review and stamp

approval on the plans and other environmental services, but primarily land disturbance. Although there will be an IGA with the County for services, Croy will also provide back-up plan review if needed.

- **12 c - Cloudpermit** - Mr. Tanks explained that Cloudpermit will be a back-up plan if Gov Pilot has a gap in service or does not provide adequate features. Staff are looking into Gov Pilot and doing more digging and learning of the system. The approval of Cloudpermit will be to authorize, but staff will not trigger the software unless needed. He commended Mr. Ferrell for getting into Gov Pilot and finding out things staff need to know. Mayor Owens explained how there would be paper in the first few weeks, and if any platform changes, there would be lead time for the change of any platform. Questions and discussion continued about Gov Pilot modules and testing of the Gov Pilot modules.
- **12 d - Laserfiche** - City Clerk Hiott announced the software was used by many cities in Georgia. She explained the platform allowed record storage, including clerk's permanent records, and a lot of the Community Development records. It was a robust record management product. It is cloud-based and is a subscription. The first year's cost was \$26,000 and the subsequent year would be \$13,000. Questions and discussion followed.
- **12 e - Chapter 11, Environment and Natural Resources** - Per Councilmember Auch's question, City Attorney Walker-Ashby replied the ordinance was modeled after the state.
- **12 f MetricOne** - Community Development Professional Services - Mr. Tanks explained Marcus Kellum of MetricOne was a subject matter expert for planning and zoning, code enforcement, and inspections. He would look at all integrated activities, and look at ways to create some efficiencies, fill gaps, and give a full view of what the City needs. Discussion followed about the importance of not having any failures. This would come out of Community Development professional services. City Attorney Walker-Ashby has reviewed the contract and made some changes to the City's advantage. Per Mayor Owens' question, Attorney Walker-Ashby indicated she was satisfied with Exhibit A of the contract.
- **13 a - Resolution Updating the Zoning and Permitting Fee Schedule** - Mayor Owens announced there were emails regarding a change since the last read of the schedule. The matter had been cleared up. He asked if there had been any other changes regarding the fee schedule. City Attorney Walker-Ashby clarified that since the schedule was last seen, the item incorporates rezoning fees initially adopted, supplemental fees provided by Rob Hosack, and a third component of additional fees provided by the Community Development Department. She has consolidated the fees and has changed the document from an ordinance to a resolution. She changed the form to resolution, to be consistent with the code. A lot of schedules are put in resolution because they change and get updated. The majority of fees are resolutions. There would still be a public hearing, and out of abundance of caution, she advertised the hearing as both resolution and ordinance. There is no backyard chicken fee.
- **13 b - Moratorium** - Mayor Owens reported the County has already stopped accepting applications. The moratorium is an extension or a delay of staff's ability to accept Zoning applications until March 13th. The previous date was March 3rd. The extension gives additional time to make sure they are ready and allows time for the public hearing on the 10th.

4. ANNOUNCEMENTS

None.

5. 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))

There was discussion about whether or not to do an executive session. A motion for executive session was suspended and not voted upon.

6. ADJOURNMENT

Motion to adjourn was made by Councilmember Jeffcoat and seconded by Councilmember Ferguson. The motion passed unanimously.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of February 26, 2025 Regular Meeting Minutes

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. February 26th City Council Regular Meeting Minutes (Updated)



CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
February 26, 2025 at 6:30 PM

The Honorable Michael Owens, Mayor
The Honorable Ron Davis, District 1 Councilmember
The Honorable Dami Oladapo, District 2 Councilmember
The Honorable Keisha Jeffcoat, Mayor Pro Tem/District 3 Councilmember
The Honorable Patricia Auch, District 4 Councilmember
The Honorable TJ Ferguson, District 5 Councilmember
The Honorable Debora Herndon, District 6 Councilmember

CITY COUNCIL REGULAR MEETING MINUTES

1. CALL TO ORDER

Mayor Pro Tem Keisha Jeffcoat called the meeting to order and expressed her gratitude to everyone for attending. She noted that Mayor Owens had to leave for a prior commitment made months ago but had been present for the Work Session.

2. ROLL CALL

City Clerk Susan Hiott conducted the roll call and a quorum was present. Mayor Owens was absent.

3. INVOCATION

Councilmember Ron Davis led the invocation.

4. PLEDGE OF ALLEGIANCE

Councilmember TJ Ferguson led in the Pledge of Allegiance.

5. APPROVAL OF AGENDA

Motion was made by Councilmember Oladapo to approve the agenda including the moving of the Executive Session (Item 17) to be Item Number 6. Councilmember Ferguson seconded the motion. The motion passed 6-0.

Clerk's note: Item 6 was previously Public Hearings, and there were none. The Executive Session Item (previously Item 17) was moved to Item number 6 replacing Public Hearings.

6. 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))

Motion was made to enter into Executive Session to discuss litigation, personnel, and real estate by Councilmember Auch and seconded by Councilmember Herndon. The motion passed 6 -0. Yeas: Oladapo, Davis, Auch, Ferguson, Herndon and Mayor Pro Tem Jeffcoat

Motion was made to close Executive Session by Councilmember Auch and seconded by Councilmember Davis. The motion passed 6-0. Yeas: Councilmembers Davis, Oladapo, Auch, Ferguson, Herndon and Mayor Pro Tem Jeffcoat

Motion was made by Councilmember Ferguson to approve the Resolution Authorizing the Mayor to Execute, in Substantial Form, an Intergovernmental Agreement with Cobb County for GIS and Zoning services. Councilmember Herndon seconded the motion. The motion passed 6-0. Yeas: Councilmembers Davis, Oladapo, Auch, Ferguson, Herndon and Mayor Pro Tem Jeffcoat

- a. **Approval of IGAs with Cobb County - Zoning Application Review Plan Review and Development Inspections and IGA with Cobb County for GIS Services**

7. PRESENTATIONS/ACKNOWLEDGEMENTS/PROCLAMATIONS

- a. **Proclamation - Recognizing Arbor Day 2025**

Mayor Pro Tem Jeffcoat announced the item and provided background about Arbor Day. She explained Arbor Day was first founded in Nebraska in 1872 and is now nationally recognized as a day to plant trees and promote healthy trees in communities. National Arbor Day is always celebrated on the last Friday in April, but many states observe Arbor Day on different dates throughout the year based on the best tree planting times. Georgia Arbor Day is celebrated on the third Friday in February. An annual Arbor Day Proclamation is a requirement to become a Certified Tree City USA. She read the proclamation. The proclamation and other information are available in the agenda packet.

8. APPOINTMENTS

- a. **Finance Director Appointment**

Mayor Pro Tem Jeffcoat reported there would be an appointment of a Finance Director. She thanked the staff, City Manager, and City Council, for the way they have combed and searched for the best talent for the City of Mableton. Mayor Owens has given his recommendation for the appointment of Karen Ellis. Ms. Ellis comes from the City of Milton. Mayor Pro Tem Jeffcoat recognized City Manager Tanks who provided information about Karen Ellis' broad-amount of experience in purchasing, policies, accounts payable, accounts receivable, bond issuance and ratings, budgeting, and much more. He commented about how knowledgeable and intelligent Ms. Ellis was.

Karen Ellis approached the podium. She thanked the City Manager and Mayor and Council for the great opportunity to work for the City of Mableton. She reported she lived in Smyrna and how it was going to be a beautiful commute compared to going to Milton. She is happy to be close to home.

Motion was made to nominate Karen Ellis as Finance Director for City of Mableton by Councilmember Auch and seconded by Councilmember Oladapo. The motion was approved 6-0.

- 9. **PUBLIC COMMENTS** - 2 minutes per speaker - no more than 30 minutes for all speakers. Anyone wishing to make a public comment should complete and submit the public comment card to the City Clerk prior to the start of the meeting.

Mayor Pro Tem explained there was a two-minute time limit. City Clerk Hiott called the

name of Sam Culbreth, Chairman of Austell Community Task Force. Mr. Culbreth provided details of the successful forum held in conjunction with Powder Springs Community Task Force and the Mableton Improvement Coalition. There were 150 folks who attended at the South Cobb Community Center. Mr. Culbreth invited everyone to the Austell Community Task Force monthly meeting, to be held March 3rd at 7 pm at the South Cobb Recreational Center.

10. CONSENT AGENDA

11. UNFINISHED BUSINESS

12. NEW BUSINESS

a. Consideration and Approval of a Resolution Adopting an Official City Tree - Sustainability, Waste & Beautification Director Emily Groth

Mayor Pro Tem Jeffcoat announced the item and recognized Sustainability, Waste & Beautification (SWB) Director Emily Groth who provided a presentation. SWB Emily Groth pointed out the selection of an official city tree followed the recent Georgia Arbor Day on Friday, February 21. The Willow Oak is native to North America and is a popular tree in Mableton's local parks, communities, and landscapes. The Mableton Town Square trees were the inspiration to select the Willow Oak. The tree represents Mableton as being vibrant, resilient, having growth and strength, and fosters greenery.

Motion to adopt the willow oak as the official city tree was made by Councilmember Oladapo and seconded by Councilmember Davis. The motion was approved 6-0.

b. Consideration and Approval for Mayor to finalize and execute a Plan Review and Engineering Services Agreement in substantial form with Croy within the parameters of the approved Spending Plan - City Manager Bill Tanks

Mayor Pro Tem Jeffcoat introduced the item and provided background information, noting that it had been discussed during the previous work session. She explained that the City currently does not have in-house engineering staff, and Croy would provide engineering services to complement the County's offerings. Mr. Tanks reiterated that while the City has agreements with the County, it could also receive plan review services from Croy for the City's Chapter 10 Planning and Zoning processes.

Motion to approve, finalize and execute in substantial form the agreement with Croy for plan review and engineering services was made by Councilmember Davis and seconded by Councilmember Ferguson. There was no discussion. The motion passed 6-0.

c. Consideration and Approval for Mayor to negotiate and execute in substantial form the Subscription and Agreement with Cloudpermit for Permitting, Licensing, Inspections, and Code Enforcement Services - First Year \$28,000 - City Manager Bill Tanks

Mayor Pro Tem Jeffcoat introduced the item and provided background information, noting that it had been discussed in the previous work session. She explained that the web-based solution would enable online permitting, licensing, inspections, and code enforcement services. This paperless system was intended as a contingency or an alternative to be used only if the current Gov Pilot platform encountered deployment issues or gaps in its processes.

Motion was made by Councilmember Herndon and seconded by Davis to approve the Mayor to negotiate and execute in substantial form the Subscription and Agreement with Cloudpermit for permitting, licensing, inspections, and Code Enforcement services, with the first year being \$28,000. There was no discussion. The motion was approved 6-0.

d. Consideration and Approval for Mayor to execute in substantial form an agreement with Mcci for Laserfiche Cloud document/records management and content services platform - First Year - \$26,000 - City Clerk Susan Hiott

Mayor Pro Tem Jeffcoat introduced the item and provided background information, noting that it had been previously discussed during the work session. City Clerk Hiott explained that the platform would facilitate record storage, including permanent records from the Clerk's office as well as many of the Community Development records. The cost for the first year would be \$26,000 and the subsequent year would be \$13,000.

Motion was made by Councilmember Herndon and seconded by Councilmember Oladapo to approve the Mayor to execute in substantial form an agreement with Mcci for Laserfiche Cloud document records management and content services platform, first year \$26,000. Councilmember Ferguson asked what cloud the platform was and City Clerk Hiott stated she would look into the request later. The motion passed 6-0.

e. First Read - An Ordinance Creating Chapter 11, Environment and Natural Resources, Article 1, Soil Erosion, Sedimentation and Pollution Control - City Attorney Emilia Walker-Ashby

Mayor Pro Tem Jeffcoat announced item and recognized City Attorney Emilia Walker-Ashby who explained the ordinance was modeled after recommended State ordinances. This was the first read, Chapter 11, Environment and Natural Resources regarding soil erosion, sedimentation and pollution control. The second read would be at the next regular meeting. Mayor Pro Tem Jeffcoat asked if there was any discussion and there was none.

No action was taken. This was the first read.

f. Consideration and Approval for Mayor to finalize and execute a Readiness Assessment and Consulting Proposal in substantial form with MetricONE in amount not to exceed the parameters of the approved Spending Plan - City Manager Bill Tanks

Mayor Pro Tem Jeffcoat announced the item and provided background. This item was discussed at the previous work session. The agreement was for an assessment of the Community Development Program to help identify any gaps and streamline to increase overall compliance. Mr. Tanks confirmed and reiterated this was a back-up plan.

Motion for approval was made by Councilmember Davis and seconded by Councilmember Ferguson to approve the Mayor to finalize and execute a readiness assessment and consulting proposal in substantial form with MetricOne for an amount not to exceed the parameters of the approved Spending Plan. The motion was approved 6-0.

13. OTHER BUSINESS/DISCUSSION

a. Review and Discussion of an Resolution Updating the Zoning and Permitting Fee Schedule and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby

Mayor Pro Tem Jeffcoat announced the item and provided background. She reported that there was some discussions at the last regular meeting, and there had been some changes made due to some recommendations. The item was also discussed in the previous work session. City Attorney Walker-Ashby added that the ordinance was changed to a resolution to be more compatible to the updates and zoning code. This will come back to Council on March 10th for a public hearing. Both the ordinance and resolution were advertised.

b. Consideration and Approval of Resolution Placing a Moratorium on Acceptance of Zoning Applications and Requests until March 13, 2025 - City Attorney Emilia Walker-Ashby

Mayor Pro Tem announced the item and recognized City Attorney Walker-Ashby who explained the moratorium provided an extension to March 13th for the City to accept Zoning applications and requests.

Motion was made by Councilmember Auch and seconded by Councilmember Ferguson to approve the Resolution Placing a Moratorium on Acceptance of Zoning Applications and Requests until March 13, 2025. The motion passed 6-0.

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

City Manager Tanks commented:

- He congratulated employee Nyree Simpson who had a one-year anniversary with the City.
- He reported on recent hires, a new IT technician.
- HR lead Candice Fields has planned for Employee Appreciation Day on March 7th.
- He thanked the Mayor and Council for supporting him with the Pay and Classification Plan to help attract great talent.

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS

City Attorney had no comments.

City Clerk Susan Hiott announced that the current Executive Assistant, Alison Benson, has transitioned into the role of Deputy City Clerk, sharing her appreciation and enthusiasm for having her step into this new position.

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

Council commended and thanked staff for an excellent planning conference and thanked everyone for attending the Council's regular meeting. Other comments included:

- Councilmember Davis spoke fondly of the late Roberta Flack, sharing that she was a deeply significant figure to him as a musician. He described her as an elegant and gracious lady, who warmly listened to the music and ideas he and another writer/musician shared during his years in the industry. He extended his heartfelt condolences to her family.
- Councilmember Oladapo extended congratulations to Ms. Benson in her new role as

Deputy City Clerk and to Nyree Simpson in celebration of her one-year anniversary.

- Councilmember Auch congratulated Karen Ellis and Alison Benson on their new roles and expressed her sincere appreciation to Emily Groth for her research and leadership in overseeing the selection of the City's official tree. She commended Ms. Groth for doing an outstanding job of choosing the tree.
- Councilmember Ferguson announced details of his upcoming District 5 Townhall on St. Patrick's Day, March 17th at the South Cobb Library at 6:30 pm.
- Councilmember Herndon expressed her enthusiasm for the growth of the City of Mableton, highlighting the exceptional talent within the community.
- Mayor Pro Tem Jeffcoat reflected on her visit to Sugar Hill during the Spring Planning Conference, commending the staff for their excellent work in organizing the event. She expressed her excitement about the initiatives presented at the conference.
- Mayor Pro Tem Jeffcoat provided an update on the speakers and activities at the Planning Conference. She shared that Grice Consulting had given an update during the event and presented a slide featuring QR codes for Mableton 2045, encouraging residents to get involved in the Comprehensive Plan process. One QR code linked to the plan itself, while the second was directed to a survey. The slide also included a list of stakeholders, inviting their participation in the development of the Comprehensive Plan.
- Mayor Pro Tem Jeffcoat presented a slide honoring outstanding Pebblebrook students who have received academic and athletic scholarships.
- Mayor Pro Tem Jeffcoat announced that the Pebblebrook Varsity Basketball team would be playing Walton tonight, as Pebblebrook had advanced to the Final Four.
- Mayor Pro Tem Jeffcoat reported that on Friday, February 28, a ribbon-cutting ceremony will be held at the EpiCenter to mark the opening of the largest Tesla charging station in the area.
- Mayor Pro Tem commented about Pebblebrook High School's ground-breaking STEAM program.
- Mayor Pro Tem noted the next District 3 Town Hall meeting will be on Monday, March 31 @ 6pm at the new Cobb Works facility.
- Mayor Pro Tem Jeffcoat shared that today marked the anniversary of her grandfather, Willie Jay Jeffcoat's passing. While he was a humble farmer and an ordinary man to many, she viewed him as a giant. A man of few words, he worked tirelessly as a business owner, raising 11 children and countless grandchildren.

17. ADJOURNMENT

Motion was made by Councilmember Oladapo, and seconded by Councilmember Auch to adjourn. The meeting adjourned at 7:51 pm.

Dr. Michael Owens, Mayor

Susan Hiott, City Clerk



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Consideration and Approval Authorizing the City Manager's Office to Execute the Purchase of (1) Ford F-150 Lighting Truck for the Sanitation, Waste, and Beautification Department for Wade Ford of Smyrna, Georgia

BACKGROUND/SUMMARY:

As the City of Mableton grows, there is a need to increase the size of our fleet. This request is to impact the operational needs of the Sustainability, Waste, and Beautification Department. In the interest of fuel efficiency, we are recommending the purchase of (1) BRAND NEW 2023 Ford Lightning Trucks. This truck is electric. In addition, we are requesting the purchase of (supplemental vehicle parts, i.e. running boards) which will be installed at the purchase. This vehicle will be housed at the location of the fleet following the transition. The fleet will be housed at 6116 Mableton Parkway, Mableton, GA. The purchase of the vehicles is in alignment with the DOAS cooperative contract 99999-001-SPD0000183-0006 not to exceed the base price of \$66,869.00 per vehicle (\$56,674.00). The total cost for the vehicle purchase will not exceed \$75,000.00.

BUDGETED/FINANCIAL IMPACT – FUND:

The City Council approved \$75,000.00 in the FY 2025 budget under the General Fund Capital Spending Plan. The line-item designation is Sustainability, Waste, & Beautification. Our anticipated spending is valued at less than \$75,000.00. This will not impact the budget as it is an anticipated expenditure.

RECOMMENDATION:

The staff's recommendation to the council is to formally authorize the City and the Mayor to execute an agreement with Wade Ford of Smyrna/Vinings for the purchase of (1) Ford Lightning Truck and supplemental materials in the amount not to exceed \$75,000.00. (Consent Agenda)

ATTACHMENTS:

1. 20250220094247011



Prepared for: **City of Mableton**

address: 1400 Veterans Memorial Hwy SE
Mableton GA 30126

phone:
email:

Date: Thursday, February 20, 2025

ID:

Account Manager: BILL FRANKLIN

VEHICLE		TRADE	
Vehicle: 2023 F150 4x4 crew cab Lighting		Vehicle: F250 4x4 2021	
Stock #:		VIN:	
VIN: 1FT6W1EV0PWG63899		Miles: 129K	
Miles: 31			
PURCHASE OPTION		Actual Value:	
Vehicle Price:	\$56,674.00	Tires:	-
UPFIT	+	Mileage Adjustment:	-
Tag/Registration Fee (estimate):	+	Mechanical repairs:	-
Vehicle Selling Price:	\$56,674.00	Brakes:	-
title		Scratches / Paint:	-
Trade- in Value		Body Damange / Dents:	-
Customer Rebates	-	Extra Allowance:	+
Difference:	\$56,674.00	Allowance:	\$0.00
		FLEETTAIL	
Sales Tax (estimate):	+	Name:	
Trade Payoff	+	address:	
Down Payment:	-	phone:	
service contract	+	email:	
State Lemon Law	+		
Balance Due (estimate):	\$56,674.00		
NOTES			

X
Buyer _____ Date _____

X
Sales Manger _____ Date _____



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Consideration of Resolution Authorizing the City Manager to execute approved expenditures within the adopted spending plan or budget that do not exceed \$50,000 - City Manager Bill Tanks

BACKGROUND/SUMMARY: The council previously increased the city managers' spending threshold from \$5000 to \$10,000 for items already approved in the adopted spending plan. As the city goes into active city mode, the \$10,000 spending limit becomes restrictive in allowing the city manager to execute approved expenditures to carry out city business and pay for operational items necessary to complete transition.

BUDGETED/FINANCIAL IMPACT – FUND: This authorization eliminates the need for the city manager to wait for the next council meeting to expend funds already approved to spend in the budget that do not exceed \$50,000 and does not impact the budgeted amount of expenditures in the current spending plan nor any future adopted budgets.

RECOMMENDATION: Recommend a motion to authorize the city manager to execute approved expenditures that do not exceed \$50,000.

ATTACHMENTS:

1. Resolution Updating Spending Thresholds Rev. 2.22.25 (1)

**A RESOLUTION UPDATING THE CITY'S ADMINISTRATIVE SPENDING
THRESHOLD 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 Section 7.15(a) of the City Charter affords the City a two-year transition period, commencing on June 1, 2023, to help the City accomplish an "orderly transition of various government functions;"

WHEREAS, the Council desires through this Resolution to update the City Manager's spending threshold, consistent with on-going transitional progress and operational needs; and

WHEREAS, the City Council finds this Resolution to be in the best interest of the health, safety and welfare of the City.

IT IS HEREBY RESOLVED, by the governing authority of the City of Mableton as follows:

Section 1. Updated Spending Threshold. The City Manager is hereby authorized to approve City Council budgeted¹ payments, services and purchases (collectively "expenditures") up to the amount of Fifty Thousand Dollars (\$50,000) per transaction, without obtaining further City Council approval. Any contract for such expenditures shall be reviewed by the City Attorney, signed by the Mayor and attested by the City Clerk.

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

- (a) All sections, paragraphs, sentences 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.

¹ The term "budgeted" means expenditures budgeted for in City Council approved budgets and/or spending plans, as such budgets and plans may be amended time to time by the City Council.

- (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 this Resolution.

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

SO RESOLVED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Approval of Planning Commission Meeting Calendar

BACKGROUND/SUMMARY: Mayor and Council are to approve the Planning and Zoning Meeting Calendar. The Planning Commission meeting calendar is set and approved to coincide with the Council meetings so that Mayor and Council can consider applications already heard by the Planning Commission.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. City of Mableton Mail - Planning Commission Zoning Calendar



Susan Hiott <susan.hiott@mableton.gov>

Planning Commission Zoning Calendar

2 messages

Christopher Wheeler <christopher.wheeler@mableton.gov>

Tue, Mar 4, 2025 at 12:47 PM

To: Susan Hiott <susan.hiott@mableton.gov>

Cc: William Tanks <william.tanks@mableton.gov>

Good afternoon Susan,

Please see the attached zoning calendar for the Planning Commission.

Planning and Zoning Calendar

Applicant Cobb Deadline	PC Hearing @ 6pm	City Council Regular Meeting
	4/1/2025	4/23/2025
3/6/2025	5/6/2025	5/28/2025
4/3/2025	6/3/2025	6/25/2025
5/1/2025	7/1/2025	7/23/2025
6/6/2025	8/5/2025	8/27/2025
7/3/2025	9/2/2025	9/24/2025
8/7/2025	10/7/2025	10/22/2025
9/4/2025	11/4/2025	11/12/2025 * only one meeting
10/2/2025	12/2/2025	12/10/2025 * only one meeting
	TBD	TBD

3/7/25, 4:13 PM

City of Mableton Mail - Planning Commission Zoning Calendar

Sincerely,

Chris

Susan Hiott <susan.hiott@mableton.gov>

Draft To: Christopher Wheeler <christopher.wheeler@mableton.gov>

Cc: William Tanks <william.tanks@mableton.gov>

Tue, Mar 4, 2025 at 2:23 PM

[Quoted text hidden]



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Consideration and Approval of a Resolution Authorizing the Mableton Development Authority to Donate Property to Cobb County for the Creation of a Cobb Douglas Public Health Clinic on Property located on Riverside Parkway - City Manager Bill Tanks

BACKGROUND/SUMMARY: The Mableton Development Authority has been negotiating with Cobb County and Cobb Douglas Public Health to donate property to Cobb County to assist in building a Health Clinic on Riverside Parkway to support the health needs of people in the City of Mableton. Per an Intergovernmental Agreement between the City of Mableton and the Mableton Development Authority, the Mableton Development Authority cannot buy or sell property without first receiving approval from the City of Mableton.

BUDGETED/FINANCIAL IMPACT – FUND: No Impact to City Budget

RECOMMENDATION: Approval of Resolution Authorizing the Mableton Development Authority to Donate Property to Cobb County for the Creation of a Cobb Douglas Public Health Clinic on Property Located on Riverside Parkway

ATTACHMENTS:

1. RES 2025-03-01 Resolution - Riverside Parkway Property Donation

STATE OF GEORGIA
COUNTY OF COBB
CITY OF MABLETON

RES 2025-03-0101

A RESOLUTION APPROVING THE DONATION OF MABLETON DEVELOPMENT AUTHORITY
PROPERTY TO COBB COUNTY FOR USE BY COBB DOUGLAS PUBLIC HEALTH

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

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

WHEREAS, the Mableton Development Authority is a body corporate and politic created by Ga. Laws 1982, p. 3772, as amended by 2011 Ga. Law Senate Bill 266 and 2024 Ga. Law House Bill 1330, vested by law with powers granted under the laws of the State of Georgia; and

WHEREAS, the purpose of the Mableton Development Authority is to revitalize and redevelop Mableton as defined by 2024 Ga. House Bill 1330. Further, the purpose of the Authority is to develop and promote, for the public good and general welfare, trade, commerce, industry, and employment opportunities and promote the general welfare of the state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, and commerce within the City of Mableton and the State of Georgia; and

WHEREAS, an Intergovernmental Agreement between the City of Mableton and the Mableton Development Authority exists that details the processes and procedures for the relationship between the two bodies corporate. Article III, Item #3 of the Intergovernmental Agreement states that, "From time to time, the Authority may acquire property, real or personal, or interests therein, for redevelopment and development purposes, and use or dispose of such property or interests, either through the City or directly with private parties. Any sale or acquisition of property within the City shall be approved by the City and the Authority"; and

WHEREAS, the Mableton Development Authority has been in discussions with Cobb County and Cobb Douglas Public Health since 2023 to donate property on Riverside Parkway for the construction of a new health clinic in Mableton; and

WHEREAS, the Mableton Development Authority requests the City of Mableton to consider approving the donation of property on Riverside Parkway, see Exhibit 1 and Exhibit 2; and

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

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

Section 1. The City Council hereby approves the donation of property detailed in Exhibit 1 from the Mableton Development Authority to Cobb County.

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 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 12th day of March, 2025.

CITY OF MABLETON, GEORGIA

ATTEST:

Susan Hiott, City Clerk

Dr. Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

Exhibit 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 511 & 590 OF THE 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A X-SCRIBE SET IN CONCRETE AT THE INTERSECTION OF THE NORTHERLY RIGHT -OF-WAY OF RIVERSIDE PARKWAY A.K.A. SIX FLAGS DRIVE (RIGHT-OF-WAY VARIES) AND THE WESTERLY SIDE OF COLONY WEST ROAD INGRESS/EGRESS EASEMENT (DEED BOOK 1611 PAGE 275);

THENCE LEAVING SAID INTERSECTION ALONG THE NORTHERLY RIGHT-OF-WAY OF RIVERSIDE PARKWAY ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 223.26 FEET, WITH A RADIUS OF 986.03 FEET, SUBTENDED BY A CHORD OF 222.78 FEET, WITH A CHORD BEARING OF SOUTH 85 DEGREES 58 MINUTES 34 SECONDS WEST TO A #4 REBAR SET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 29.47 FEET, WITH A RADIUS OF 1247.21 FEET, SUBTENDED BY A CHORD OF 29.47 FEET, WITH A CHORD BEARING OF SOUTH 79 DEGREES 49 MINUTES 00 SECONDS WEST TO A CONCRETE MONUMENT FOUND;

THENCE ALONG A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 92.01 FEET, WITH A RADIUS OF 1247.21 FEET, SUBTENDED BY A CHORD OF 91.99 FEET, WITH A CHORD BEARING OF SOUTH 77 DEGREES 01 MINUTES 35 SECONDS WEST TO A CONCRETE MONUMENT FOUND;

THENCE SOUTH 74 DEGREES 05 MINUTES 20 SECONDS WEST 237.06 FEET TO A POINT;

THENCE LEAVING SAID RIGHT OF WAY NORTH 02 DEGREES 45 MINUTES 06 SECONDS EAST 141.67 FEET TO A #4 REBAR FOUND;

THENCE NORTH 01 DEGREES 06 MINUTES 31 SECONDS EAST 336.62 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 00 MINUTES 34 SECONDS EAST 562.45 FEET TO A POINT FOUND ON THE WESTERLY SIDE OF COLONY WEST ROAD INGRESS/EGRESS EASEMENT;

THENCE ALONG SAID EASEMENT SOUTH 01 DEGREES 04 MINUTES 45 SECONDS WEST 361.92 FEET TO A X-SCRIBE IN CONCRETE SET IN CONCRETE AT THE INTERSECTION OF THE NORTHERLY RIGHT -OF-WAY OF RIVERSIDE PARKWAY A.K.A. SIX FLAGS DRIVE (RIGHT-OF-WAY VARIES) AND THE WESTERLY SIDE OF COLONY WEST ROAD INGRESS/EGRESS EASEMENT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 5.21 ACRES (227012 SQUARE FEET) MORE OR LESS.



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Second Read - An Ordinance Creating Chapter 9, Fire Protection and Prevention, of the City of Mableton Code of Ordinances and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: The First Read was at the January 22, 2025, Regular Meeting. The Second Read was deferred at the February 12, 2025, meeting.

BUDGETED/FINANCIAL IMPACT – FUND: N/A

RECOMMENDATION: Approval of An Ordinance Creating Chapter 9, Fire Protection and Prevention, of the City of Mableton Code of Ordinances.

ATTACHMENTS:

1. Fire Protection Ordinance Rev. 1.21.25

**STATE OF GEORGIA
COBB COUNTY
CITY OF MABLETON**

ORD

**AN ORDINANCE CREATING CHAPTER 9, FIRE PROTECTION AND PREVENTION,
OF THE CITY OF MABLETON CODE OF ORDINANCES 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, pursuant to Article IX, Sec. II, Par. III of the Georgia Constitution and City Charter Sections 1.13(9) & (24), the City is authorized to adopt fire protection and fire safety regulations for the health, welfare, safety, and well-being of the City and its inhabitants;

WHEREAS, the City finds this ordinance to be in the public interest and for the health, welfare, safety, and well-being of the City and its inhabitants.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: The City Code of Ordinances is hereby amended to create Chapter 9, Fire Prevention and Protection, to read as follows:

CHAPTER 9 – FIRE PREVENTION AND PROTECTION

ARTICLE 1 - GENERALLY

Sec. 9.1.1 – Codes adopted; enforcement.

- (a) The Cobb County, Georgia, Fire Prevention and Protection Code, as may be amended from time to time, is hereby incorporated by reference in this section and adopted as part of the general ordinances of the city. Said adoption under this section shall incorporate and include the Fire Safety Standards adopted by Cobb County, Georgia, including the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner, and the International Fire Code.
- (b) The county fire department is hereby authorized to inspect any mercantile building, church, school, and any other building of public assembly, and to enforce the provisions of the fire prevention and safety codes adopted by and through this chapter, to ensure such codes are being followed and administered within the city.

- (c) The county fire department may inspect any private dwelling within the city upon the request of the homeowner.

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

- (a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

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

Section 4. Unless required otherwise by the City Charter, state and/or federal law. The City anticipates entering into an intergovernmental agreement for fire protection and fire safety services (“Fire Services IGA”) with Cobb County, Georgia, and other Cobb County cities prior to June 30, 2025. The effective date of this Ordinance shall be the date that Cobb County, Georgia and the City enter into such Fire Services IGA, unless required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, Interim City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Second Read - An Ordinance Creating Chapter 11, Environment and Natural Resources, Article 1, Soil Erosion, Sedimentation and Pollution Control - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY:

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. Ordinance Creating Chapter 11 - Environment and Natural Resources Rev. 2.22.25

AN ORDINANCE CREATING CHAPTER 11, ENVIRONMENT AND NATURAL RESOURCES, OF THE CITY OF MABLETON CODE OF ORDINANCES 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, Sec. 1.13(8) of the City Charter authorizes the City to enact regulations “to protect and preserve the natural resources, environment, and vital areas of the city”;

WHEREAS, the City Council desires through this Ordinance to exercise its powers and authority under applicable laws to protect and preserve the City’s natural resources, environment, and vital areas and promote the health and general welfare of the City; and

WHEREAS, the City Council finds this Ordinance to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY ORDAINED by the governing authority of the City of Mableton, as follows:

Section 1: The City Code of Ordinances is hereby amended to create Chapter 11, Environment and Natural Resources, Article 1, Soil Erosion, Sedimentation and Pollution Control, to read as follows:

CHAPTER 11 – ENVIRONMENT AND NATURAL RESOURCES ¹

ARTICLE 1 – SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 11.1.1 – Title

This ordinance will be known as the “Mableton Soil Erosion, Sedimentation and Pollution Control Ordinance.”

Sec. 11.1.2 – Definitions

¹ *State Law reference— Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq*

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMPs):** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).
10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
12. **District:** The Cobb County Soil and Water Conservation District.
13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. **Drainage Structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, at a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 11.1.4(C) of this ordinance.
17. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
18. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of

70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
22. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 11.1.3, Paragraph 5 herein.
23. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
24. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
25. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et. seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **Operator:** The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

31. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
33. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
36. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Cobb County Soil and Water Conservation District.
41. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
42. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
43. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

44. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
45. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
46. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.
 Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
47. **Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
48. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 11.1.3 – Exemptions

This ordinance shall be applied to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this

paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 11.1.4(C) of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both,

undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

Sec. 11.1.4 – Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices

- A. **General Provisions** - Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 11.1.4(B) & (C) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. Minimum Requirement / BMP's

1. Best management practices as set forth in Section 11.1.4(B) & (C) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
 2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 11.1.4(B) 2 of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall

remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- b) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person

constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation

until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

- b) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - c) The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - d) Activities where the area within the buffer is not more than 500 square feet or that have a “Minor Buffer Impact” as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 11.1.4 (B) & (C) of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Sec. 11.1.5 – Application/Permit Process

- A. General – The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. Application Requirements
1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Mableton without first obtaining a permit from the Land Disturbance Permit to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
 2. The application for a permit shall be submitted to the Community Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 11.1.5(C). of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 11.1.4(B) & (C) of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
 3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
 4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 11.1.4(C) 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 11.1.5(B)(6), have been obtained. Such review will not be required if the

Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in Section 11.1.4(B) & (C). of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. Permits

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed

application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 11.1.4(C) 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 11.1.5(B) 6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 11.1.6 – Inspection and Enforcement

- A. The City of Mableton will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person

- engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
 - C. The City of Mableton Community Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
 - D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
 - E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
 - F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 11.1.7 – Penalties and Incentives

- A. Failure to Obtain a Permit for Land-Disturbing Activity:

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- B. Stop Work Orders

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
 2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- C. Bond Forfeiture: If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 11.1.5 (B) 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- D. Monetary Penalties
1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under

county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 11.1.8 – Education and Certification

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 11.1.9 – Administrative Appeal Judicial Review

- A. Administrative Remedies - The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Zoning Appeals within 45 days after receipt by the Local Issuing Authority of written notice of appeal
- B. Judicial Review - Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Cobb County.

Sec. 11.1.10 - Liability

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

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

- a) All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.
- b) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- c) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- d) In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the Ordinance.

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

Section 4. The effective date of this Ordinance shall be the date of adoption, unless required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO ORDAINED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney



AGENDA ITEM MEMORANDUM

MEETING OF: March 12, 2025

DEPARTMENT:

ISSUE/AGENDA ITEM TITLE: Consideration and Approval of a Resolution Updating the Zoning and Permitting Fee Schedule and for Other Lawful Purposes - City Attorney Emilia Walker-Ashby

BACKGROUND/SUMMARY: The public hearing was held March 10th.

BUDGETED/FINANCIAL IMPACT – FUND:

RECOMMENDATION:

ATTACHMENTS:

1. ZONING PUBLIC NOTICE Fee Schedule Resolution Public Hearing (2)
2. Updated Mableton Rezoning Fee Schedule Rev. 3.11.25
3. Resolution Updating Zoning and Permitting Fee Schedule Rev. 2.22.25 (1) (1)

**PUBLIC NOTICE
CITY OF MABLETON, GEORGIA
PUBLIC HEARING**

Notice is hereby provided that the City Mableton, Georgia, Mayor and Council will conduct a public hearing during the City's **March 10, 2025** City Council Meeting commencing at **6:30pm**, in consideration of a **resolution updating the City of Mableton, Georgia, Zoning and Permitting Fee Schedule**.

The meeting will take place at **Riverside EpiCenter, 135 Riverside Pkwy, Austell, GA 30168**. The public is invited to attend the meeting and public hearing for oral comments, or submit written comments on the subject to the City Clerk by email at: susan.hiott@mableton.gov. A copy of the proposed ordinance may be retrieved from the City Clerk for the purpose of public inspection.



CITY OF MABLETON
ZONING AND PERMITTING FEE SCHEDULE

Rezoning Fees			
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, 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

NOTES:

(a) sq ft = square feet

(b) The **maximum** fee for any rezoning application \$10,000.

(c) 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 plus a refundable \$300 sign bond plus a non-refundable fee of \$15 per sign issued by the City.

(d) 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**.

(e) There is also a **deposit fee of \$300** for sign(s), which will be refunded if the sign(s) are returned within **thirty (30)** days after the final decision by the City Council, plus a non-refundable fee of \$15 per sign issued by the City.

City of Mableton Zoning and Permitting Fee Schedule (Rev. 3.12.25)



Item		Fee
Zoning Certification Request		\$100
Existing Structure Relocation Permit		\$100
Temporary Construction Office Permit		\$25
Temporary Sales Office Permit		\$50
Temporary Tent Permit		\$25
Special Land Use Permit Application		\$1,000
Land Use Permit Application		\$150
Sign - Off-premise outdoor		\$75/ annually
Sign - Temporary		\$25
Sign - Wall, free-standing, panel replacements, etc.		\$50 for up to 50 sq ft \$100 for between 51 and 100 sq ft \$200 for between 101 and 150 sq ft \$300 for between 151 sq ft or more Double faced signs are an additional \$0.75/ sq ft for the second side of the sign
Application Type	Fee	Fee Break Down
Variances (Residential, Churches, Livestock, Builders and Commercial)	\$25.00 - \$500 \$100 sign fee deposit \$15 fee per sign	Application Fees: Residential - \$150, Churches - \$450, Livestock - \$25, Builders - \$450 & Commercial - \$500 In addition to the application fee, there is a deposit of \$100 for signs, which will be refunded if signs are returned within thirty (30) days after the final decision by the Board of Zoning Appeals. Sign deposits will only be refunded to the person or entity that originally paid the sign deposit. There will also be a non-refundable fee of \$15 per sign issued by the City.



Temporary Land Use	\$150 \$50 renewal fee \$100 deposit for signs \$15 per sign fee	Application Fee: \$150 In addition to the application fee, there is a deposit of \$100 for signs, which will be refunded if signs are returned within thirty (30) days after the final decision by the City. The signs must be returned to qualify for the refund. There will also be a non-refundable fee of \$15 per sign issued by the City.
Special Land Use	\$1,000 - \$5,000 \$300 deposit for signs \$15 fee per sign	Application Fee: \$1,000
Other Business	\$300 \$50 for additional request \$15 per sign fee	Application Fee: \$300 for first request + \$50 for each additional request. In addition to the application fee, there is a non-refundable fee of \$15 per sign issued by the City.
Open Space Community (OSC) Overlay Zoning District	\$100 \$15 fee per sign	

NOTES:

- (a) To qualify as a residential request, the applicant must be the present or future resident.
- (b) A \$5,000 consultant/administrative review fee will be assessed for applications involving Telecommunications Towers and/or facilities. This fee must be paid when this application is submitted.

**A RESOLUTION UPDATING THE CITY OF MABLETON ZONING AND
PERMITTING FEE SCHEDULE 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, Sec. 1.13(23) of the City Charter authorizes the City “[t]o provide comprehensive city planning for land use, signage, outside advertising, and development by zoning and to provide subdivision regulation and the like as the City Council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community”;

WHEREAS, the City Council desires through this Resolution to update the City’s Zoning and Permitting Fee Schedule;

WHEREAS, the Mayor and City Council have caused to be conducted a properly advertised public hearing in accordance with the Georgia Zoning Procedures Act prior to adoption of this Resolution; and

WHEREAS, the City Council finds this Resolution to be in the best interests of the health, safety, and general welfare of the City.

IT IS HEREBY RESOLVED by the governing authority of the City of Mableton, as follows:

Section 1: *Adoption of Updated Zoning Fee Schedule.* The City of Mableton Zoning and Permitting Fee Schedule is hereby updated as attached hereto.

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

- (a) All Resolutions and parts of Resolutions in conflict with this Resolution are hereby repealed.
- (b) All sections, paragraphs, sentences and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (c) 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.

- (d) In the event any portion of this Resolution shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Resolution which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of this Resolution.

Section 3. As of the adoption of this Resolution, Cobb County, Georgia, is issuing and assessing special license, permitting and regulatory fees within the City pursuant to Chapter 78, Article III of the Official Code of Cobb County, Georgia. All persons, entities, businesses within the City, owning property within the City and/or doing business within the City, shall continue to comply with Chapter 78, Article III of the Official Code of Cobb County, Georgia, until such time that the City formally transitions from the County to the City the services, assessments, license, permitting regulated under Chapter 78, Article III of the Official Code of Cobb County, Georgia.

Section 4. The City Attorney and 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 ordained otherwise by the City, or required otherwise by the City Charter, state and/or federal law. In the event that any effective date herein is determined by a Court of law to be invalid, said effective date shall instead be the earliest date allowed by law.

SO RESOLVED this _____ day of _____, 2025.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney