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2 **STATE OF GEORGIA**  
3 **COUNTY OF FULTON**  
4 **CITY OF SOUTH FULTON**

**ORD-2019-010**

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7 **AN ORDINANCE AMENDING TITLE 11, PARKS AND RECREATION, CHAPTER 3,**  
8 **PARKS AND RECREATION ADVISORY BOARD, OF THE CITY OF SOUTH FULTON**  
9 **CODE OF ORDINANCES AND FOR OTHER LAWFUL PURPOSES**

10  
11 **(Sponsored by Councilperson Willis)**

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

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

18 **WHEREAS**, the City desires to amend its code of ordinances through this  
19 Ordinance;

20 **WHEREAS**, this Ordinance is in the best interests of the health and general  
21 welfare of the City, its residents and general public.

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23 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as  
24 follows:

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26 **Section 1.** The City of South Fulton Code of Ordinances, **Title 11, Parks and**  
27 **Recreation, Chapter 3, Parks and Recreation Advisory Board**, is hereby revised to  
28 read as follows:

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30 **TITLE 11. – PARKS AND RECREATION**

31 **CHAPTER 3. - PARKS AND RECREATION ADVISORY BOARD**

32 **Sec. 11-3001. – Role.**

33 A parks and recreation advisory board ("Advisory Board") is created and shall act in an  
34 advisory capacity in matters of policy and programming with respect to City parks property  
35 as follows:

36 (a) Provide recommendations through budget process re park priorities and funding  
37 needs;

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39 (b) Explore ways to improve and enhance parks and recreation programing. Parks  
40 and recreation programing under this paragraph shall not be deemed to include  
41 parks facility use agreements, special use permits and/or MOUs. Absent an

42 emergency, the Parks Director shall bring all parks and recreation programing  
43 proposals before the Advisory Board prior to bringing such items before the City  
44 Council. The Advisory Board shall offer a recommendation on any such  
45 programming proposals within 10 days of their meeting at which it was considered,  
46 or shall be deemed to have no comment; and  
47

48 (c) Offer annual reporting on parks master plan compliance and necessary changes.

49 Nothing in this chapter shall prevent the City Council from acting on a park related item  
50 and/or proposal that has not gone before the Advisory Board.

51 **Sec. 11-3002. - Qualifications.**

52 (a) All members appointed to the Advisory Board must reside in the City at the time of  
53 their appointment and throughout their term. Any member who relocates out of the  
54 city during their term, or otherwise ceases to reside in the City throughout his or her  
55 term, shall cause such person's position to be declared vacant and be filled in  
56 accordance with this chapter.

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58 (b) No member shall miss more than three consecutive regular board meetings during  
59 any 12-month period. Any member who does not adhere to such minimum  
60 attendance requirements shall cause such person's position to be automatically  
61 declared vacant and filled in accordance with this chapter.

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63 **Sec. 11-3003. - Composition and Appointment.**

64 The Advisory Board shall consist of up to three City Councilmembers and up to eight City  
65 residents, all subject to confirmation by the City Council. Each member of the City Council  
66 may nominate an appointee to serve. The parks and recreation Director shall serve as a  
67 non-voting, ex-officio member of the Advisory Board. The Chairperson and Vice-  
68 Chairperson shall be selected by the City Council from the members appointed. The  
69 Advisory Board shall appoint a Secretary from its members. No City Council member shall  
70 be appointed, or selected to serve as the Chairperson and/or Vice-Chairperson, absent  
71 their consent.

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73 **Sec. 11-3004. – Term and Removal.**

74 Non-City Council Advisory Board members shall serve a two year term, commencing from  
75 the date of their Appointment. City Councilmembers shall serve on the Advisory Board  
76 for the remainder of the term of office during which they are appointed, but may resign  
77 from the Advisory Board at any time for any reason. The City Council may remove any  
78 Advisory Board member at any time, with or without cause. Any Non-City Council  
79 Advisory Board member who fails to attend three consecutive regular meetings shall  
80 automatically stand removed. Should a vacancy be created, the city council member  
81 shall appoint a person to fill the remainder of the term of the vacant position, subject to  
82 confirmation by the City Council.

83 **Sec. 11-3005. - Meetings.**

84 (a) Time. The Advisory Board shall adopt a regular meeting schedule, and may hold  
85 special meetings, as they deem necessary in order to carry out their functions.  
86 Meetings may be cancelled or rescheduled by the Board as circumstances require.  
87 Special meetings may be called by the park Director, Chairperson and Vice  
88 Chairperson upon 48 hours written notice to all members. The regular meetings  
89 schedule and notice of any special and/or rescheduled meetings shall be promptly  
90 provided to the City Clerk, who shall notice the same in accordance with the Open  
91 Meetings Act.

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93 (b) Location. In addition to City property and/or the City Council Chambers, the Advisory  
94 Board may conduct its meetings at churches, parks, schools and libraries within the  
95 City, as such is available. The Advisory Board Chairperson, Vice-chairperson or  
96 Secretary shall confirm with the City Clerk the availability of City property.

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98 **Sec. 11-3006. - Input and Assistance.**

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100 The Advisory Board members may seek input from City residents and businesses.  
101 Members may interact directly with the City Manager, park's Director, City Attorney and  
102 City Clerk, and may request assistance from City staff through the City Manager and/or  
103 his designee.

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105 **Sec. 11-3007. - Quorum and Governance.**

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107 Five Advisory Board members shall constitute a quorum. The affirmative vote of a majority  
108 of members present at a meeting shall be required to approve decisions by the Advisory  
109 Board. The Advisory Board shall be governed procedurally by Robert's Rules of Order,  
110 as it is revised from time to time, and shall conduct its meetings in accordance with all  
111 applicable local and state laws, including the Georgia Open Meetings Act.

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

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

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

130 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly  
131 repealed.

132 **Section 4.** The City Attorney, City Clerk and contracted City Codifier are authorized  
133 to make non-substantive formatting and renumbering edits to this ordinance for proofing,  
134 codification, and supplementation purposes. The final version of all ordinances shall be  
135 filed with the City Clerk.

136 **Section 5.** The effective date of this Ordinance shall be on the date as set forth under  
137 Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or  
138 federal law.

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140 **TITLE 11. – PARKS AND RECREATION**

141 **CHAPTER 5. – SPECIAL EVENTS**

142 **Sec. 11-5003. - Permit application.**

143 (a) An application for a special event permit shall be submitted to the parks and  
144 recreation director with a nonrefundable payment in the amount established by  
145 resolution by city council no later than 30 days prior to the proposed event. Nothing in  
146 the chapter shall prevent the city council from authorizing a special event permit at the  
147 city's discretion.

148 (b) Upon written request and submittal of appropriate documentation, the parks and  
149 recreation director or his or her designee may waive the payment referenced in  
150 subsection (a) of this section for fundraising for charitable events if he determines that it  
151 is to the city's benefit to waive the fee. All requests to fundraise during a special event  
152 must be approved in advance by the director. No special event permit authorizing  
153 fundraising shall be approved unless it is determined by the director that at least 50% of  
154 the proceeds raised will directly benefit the city.

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160 THIS RESOLUTION adopted this 28<sup>TH</sup> day of May 2019.

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163 CITY OF SOUTH FULTON, GEORGIA

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167 WILLIAM "BILL" EDWARDS, MAYOR

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169 ATTEST:

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173 S. DIANE WHITE, CITY CLERK

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175 APPROVED AS TO FORM:

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179 EMILIA C. WALKER, CITY ATTORNEY

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