

CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
April 24, 2024 @ 6:30PM

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** Mayor Michael Owens
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA**
6. **ACKNOWLEDGEMENTS/ PROCLAMATIONS**
 - a. Proclamation - Recognition of City of Mableton Mayor’s Reading Club Day
 - b. Proclamation - Recognition of National Day of Prayer
 - c. Proclamation - Recognition of National Cities, Towns, and Villages Month
7. **ANNOUNCEMENTS/PRESENTATIONS/REPORTS**
 - a. BS&A Financial Software Presentation - Finance Consultant Frank Milazi
8. **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.
9. **CONSENT AGENDA**
 - a. April 10, 2024 Regular Meeting Minutes
 - b. April 10, 2024 Work Session Minutes
 - c. Consideration and Approval Resolution RES 2024-04-02 Adopting an Agenda Item Submittal and Posting Process Policy

10. UNFINISHED BUSINESS

- a. Consideration and Approval of Ordinance Creating Chapter 2, Administration, Article III, Code of Ethics of the City of Mableton Code of Ordinances - Second Read (First Read was May 24, 2023 meeting and was tabled for Second Read at the April 10, 2024 meeting.) - City Attorney Emilia Walker-Ashby

11. NEW BUSINESS

- a. Consideration and Approval of Professional Services Agreement between the Institute of Building Technology and Safety (ITBS) and City of Mableton for Transitional Services for Planning and Zoning, Adoption of a Zoning Ordinance, training, and other related services - City Attorney Emilia Walker-Ashby
- b. Consideration and Approval of Resolution RES 2024-04-03 of the City of Mableton Recognizing Georgia Cities Week, April 21-27, 2024 - City Clerk Susan Hiott

12. OTHER BUSINESS/DISCUSSION

- a. Update on Comp Plan RFQ - Mayor Owens

13. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS

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

15. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

16. 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))

17. ADJOURNMENT



**CITY OF MABLETON
MAYOR’S READING CLUB DAY
PROCLAMATION**

WHEREAS, literacy is not just an education issue. It is an economic, workforce, and quality of life issue; and

WHEREAS, research shows that children who can’t read proficiently by the end of third grade are more likely to experience poor health, have discipline problems, and drop out of high school; and

WHEREAS, each year in the United States, low literacy levels are linked to hundreds of billions of dollars in non-productivity, healthcare, and judicial costs; and

WHEREAS, 68% of Georgia fourth graders do not read proficiently; and

WHEREAS, collaborative efforts and strategic partnerships must be undertaken to address literacy issues; and

WHEREAS, the Mayor’s Reading Club program is offered through Georgia City Solutions, a Georgia Municipal Association-managed nonprofit; and

WHEREAS, the goal of the program is to improve literacy skills and overall success with early reading among children and youth in Georgia cities through encouragement, support, and leadership from city mayors; and

WHEREAS, Georgia City Solutions has commissioned a children’s book series to use as part of the program to teach young readers about local government and a copy of the first two books in the series titled, *Georgia Caroline Visits City Hall* and *Georgia Caroline Visits Our Hometown Heroes*, is provided in the program starter-kit; and

WHEREAS, the Mayor’s Reading Club is flexible and can be delivered in person or virtually and promotes partnerships and collaboration between the city, county, schools, public libraries, local nonprofits, and business community.

NOW, THEREFORE, I, Michael Owens, Mayor of the City of Mableton, do hereby join the Mayor’s Reading Club program and proclaim April 24th, 2024 as:

“MAYOR’S READING CLUB DAY”

in Mableton, Georgia and encourage all residents, businesses, and community partners to help promote and elevate literacy as a community priority, and support the Mayor’s Reading Club to improve Georgia’s economic vitality one book at a time.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of April, 2024.

Susan Hiott
City Clerk, City of Mableton

Michael Owens
Mayor, City of Mableton



**CITY OF MABLETON
THE NATIONAL DAY OF PRAYER
PROCLAMATION**

WHEREAS: Throughout history, America has faced trials and triumphs, and Americans have responded in prayer seeking courage and comfort, inspiration, and joy-filled celebration. Faith compels us to seek and cling to the Light in times of darkness and spread light to those in need.

WHEREAS: From the first gatherings of our Founding Fathers, elected officials have prayed and entreated those they serve and represent to join them in prayer, including the authors of our Declaration of Independence, who wrote that they, “the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world...” and carried on to present day in Presidential Proclamations such as last year’s invitation to “join him in asking for God’s continued guidance, mercy, and protection.”, and

WHEREAS: A National Day of Prayer has not only been a part of our heritage since it was declared by the First Continental Congress in 1775, but it is a Public Law established in the United States Congress in 1952 approved by a Joint Resolution and amended by Congress and President Reagan with Public Law 100-307 in 1988, affirming that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as The National Day of Prayer; and

WHEREAS: In every state across America the observance of the National Day of Prayer will be held on Thursday, May 2, 2024, with the theme, “Lift Up the Word, Light Up the World,” based on the verses found in 2 Samuel 22:29-31, “For you are my lamp, O Lord, and my God lightens my darkness ... This God—his way is perfect; the word of the Lord proves true; he is a shield for all those who take refuge in him.” and

WHEREAS: Unified prayer is mobilized across America every first Thursday of May on the National Day of Prayer as neighbors come together to join their hearts and voices in reading sacred Scriptures and attending services to seek God for the city and country where we live, learn, work, worship, serve, and desire all to thrive; and

WHEREAS: We express our faith and exercise our freedom in prayer, then unite our hearts and voices in personal prayer and public gatherings across America with fervent praise, repentance, love, and humble intercession for our neighbor and nation, holding fast to the promises throughout the Holy Scriptures that the Lord hears and avails much as He answers the faith-filled prayers of His people.

NOW, THEREFORE, I, Michael Owens, Mayor of the City of Mableton, by virtue of the authority vested in me by the City Charter and its Governing Documents and the laws of the United States, do hereby proclaim May 2, 2024, as a National Day of Prayer.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of April, in the year of our Lord two thousand and twenty-four.

Susan Hiott
City Clerk, City of Mableton

Michael Owens
Mayor, City of Mableton



City of Mableton
National Cities, Towns and Villages Month
Proclamation

Whereas, the National League of Cities was founded in 1924 in Lawrence, Kansas, as the American Municipal Association by state municipal leagues seeking more coordination and national representation as cities, towns, and villages expanded rapidly;

Whereas, the nonpartisan National League of Cities is the oldest and largest organization representing municipal governments throughout the United States, representing the interests of more than 19,000 cities, towns, and villages across the country;

Whereas, today the National League of Cities works in partnership with 49 state municipal leagues across the country to strengthen local leadership, drive innovation, and influence the federal policies that impact local programs and operations;

Whereas, as the voice of cities, towns, and villages in Washington, DC, the National League of Cities has successfully championed federal legislative solutions that support municipalities and has worked closely with Congress and the Executive Branch to educate policymakers on the realities of local implementation;

Whereas, the City of Mableton is a proud member of the National League of Cities, and has benefited from the organization’s research, technical expertise, federal advocacy and opportunities to learn from other local governments;

Whereas, local governments are the bedrock of American democracy, providing 336 million residents with the most accountable, responsive, inclusive, ethical, and transparent government in the world;

Whereas, from the nation’s smallest villages to its largest cities, America’s local governments have been essential in transforming the United States of America into the greatest, most influential nation in world history;

Whereas, the City of Mableton was first incorporated in 2022 and is proudly served today by [Elected officials] and a municipal workforce of dedicated public servants;

Now, therefore, be it resolved that the City of Mableton hereby proclaims May 2024 as National Cities, Towns, and Villages Month in celebration of America’s local governments and the National League of Cities’ historic centennial anniversary.

Susan Hiott
City Clerk

Michael Owens
Mayor, City of Mableton

CITY OF MABLETON, GEORGIA
Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
April 10, 2024 @ 6:30PM

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

CITY COUNCIL REGULAR MEETING MINUTES

1. **CALL TO ORDER** Mayor Michael Owens
2. **ROLL CALL** - City Clerk Hiott conducted the roll call and quorum was present.
Motion was made by Councilmember Ferguson and seconded by Councilmember Davis to take a recess until 6:45 p.m. The motion carried 6-0. Council returned at 6:45 p.m.
3. **INVOCATION** - Led by Councilmember Davis
4. **PLEDGE OF ALLEGIANCE** - Led by City Manager Bill Tanks
5. **APPROVAL OF AGENDA**
Motion was made by Councilmember Oladapo and seconded by Councilmember Davis to approve the agenda. The motion carried 6-0.
6. **PRESENTATIONS/ACKNOWLEDGEMENTS/ PROCLAMATIONS**
 - a. Presentation on Transit Referendum - Cobb DOT Director - Drew Raessler

Mayor Owens recognized Mr. Raessler who spoke about the Mobility SPLOST. He summarized the proposed transit projects, service routes, and other improvements for the Mableton area. There was a handout specific to Mableton. He explained the phased approach for the first five years (2025-2030), next five years (2031 - 2035), and the full build-out (2036-2055). Technology and transit supportive projects were addressed. Eligible access projects were named. Questions followed. Mayor Owens thanked Mr. Raessler for his presentation.
7. **APPOINTMENTS - None**

8. PUBLIC HEARINGS - None

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.

- **Bryce Lingenfelter** of District 5 thanked the Mayor and Council for all they have done. He addressed stormwater and safety concerns.
- **Nate Smith** of District 5 thanked the Mayor and Council for their leadership. He announced details about the Third Annual Taste of Mableton on behalf of the Mableton Improvement Coalition.
- **Lashawn Maxwell** of District 5, a resident of 35 years, addressed interest in senior resources for safe and affordable housing.
- **Monica Delancy** of District 2 announced an update that an apartment complex had begun to repair broken windows. She addressed the need for the Mayor and Council to contact and address other issues about the apartment complexes in Mableton.
- **Shelia Edwards** thanked the Mayor and Council for their work moving Mableton forward. She stated Councilwoman Auch was in her prayers. She addressed concerns about the taxes including the sewer tax and proposed mobility tax.
- **Jo Lahmon**, Regional Manager of South Cobb Public Library System, and of District 1 spoke about the newly renovated Switzer Library in Marietta and invited Council to the celebration the following day at 2:00 p.m.
- **Denny Wilson** expressed concerns about the Mobility Transit presentation. She said 30 years was too long for the projects of the bill. She stated the County was placing cracked pipes in the water lines in the Cityview area.
- **Leroy Tre Hutchins** of District 3 and Cobb County Board of Education expressed concerns that current eligible college bound students in South Cobb did not have timely access to Kennesaw State University via bus. He reported on how portions of the County's tax digest goes to the schools. Councilmember Ferguson wished Mr. Hutchins a Happy Birthday.

10. CONSENT AGENDA

- a. Consideration and Approval of March 13, 2024 Regular Meeting Minutes
- b. Consideration and Approval of March 13, 2024 Work Session Minutes
- c. Consideration and Approval of March 22-24, 2024 Planning Conference Minutes
- d. Consideration of Resolution Adopting a City of Mableton Records Management Policy

Motion made to approve by Councilmember Ferguson and seconded by Councilmember Davis. The motion passed 6-0.

11. UNFINISHED BUSINESS

- a. Consideration and Approval of Ordinance Creating Chapter 2, Administration, Article III, Code of Ethics of the City of Mableton Code of Ordinances - Second Read (First Read was at the May 25, 2023 meeting) - Attorney Emilia Walker-Ashby

The Mayor and Council deliberated the interpretation of the Charter for the number and compensation of the Ethics Board. Items noted:

- Councilmember Auch recommended a different version than the latest version in the agenda packet.
- Councilmember Ferguson asked if the second read of the ordinance could be tabled so Council could review Councilmember Auch's version.
- Councilmember Auch reminded she had sent the ordinance to the Council back in June. Councilmember Auch was proposing to bring back the first version.
- They deliberated whether to have a seven member board and whether three members would be randomly picked by the City Clerk per case.
- Councilmember Auch referenced the Charter of having seven members, noting each council member would make their appointment.
- There was discussion about not requiring that the mayor's appointment must be an attorney.
- Mayor Owens explained it was good practice to have a certified attorney on the board, but not necessarily being his appointment.
- Council discussed looking at the length of time the appointments were made. Although terms were two year terms, the City needs to look at how long the Council who made the appointment was on the board.
- Council discussed whether two years or the length of time the council was in office.
- Attorney Walker-Ashby asked for clarification of the version for the next version.
- Councilmember Oladapo asked what was the benefit of having three randomly selected from the appointed seven members and deliberation followed.
- Council referenced the various GMA options for an Ethics Ordinance.
- Discussion continued for direction to the Attorney for editing the next read of the Ethics Ordinance.
- Attorney Walker-Ashby referenced the Charter and opined there was not anything in the Charter to prevent selecting three members for a case. (Charter 6.57).
- She opined that Georgia Case law has made clear that municipal ordinances are considered law. (Charter 2.23, ordinances are law).
- Councilmember Herndon noted there needs to be four for a quorum when the Charter says seven members.
- Mayor Owens and Councilmember Auch continued to express their interpretation of the Charter.

Motion was made by Councilmember Ferguson to table the consideration and approval of an Ordinance, Chapter 2, Administration, Article III, Code of Ethics until the next meeting, amending that the mayor's appointment not need to be an attorney and have the three member random selection and the duration not to exceed the length of the council member who selected the person. Councilmember Davis seconded the motion. The motion passed 5-1. Ayes: Owens, Davis, Oladapo, Ferguson, Herndon. Nays: Auch

b. Consideration and Approval of Ordinance Creating Article V, Finance, of Chapter 2, Administration, of the City of Mableton Code of Ordinances - Second Read (First Read was February 14, 2024) - Finance Consultant Frank Milazi

Finance Consultant Frank Milazi presented. The presentation is available in the record. He explained the purpose of the ordinance to set Finance in place for long and short term goals. He referenced the different policies/code regarding the budget and the audit and the Fiscal Year beginning July 1- June 30th. He continued to address the policies/code for Finance and the corporation finance practices for the City. He asked if there were any questions noting there was a first read already.

Mr. Milazi referenced the purpose of the ordinance in Sec. 2.5.1 *The purpose of this Article is to serve as a foundation for long- and short-term range planning, facilitate decision making, and provide direction to the city council and operational staff for handling the city's day-to-day financial business. Because of the diverse nature of the city's departments and committees, having written defined financial policies minimizes the risk of developing conflicting or inconsistent goals and objectives which could have a negative impact on the overall financial condition of the city.*

He explained how Council approving the ordinance is providing the foundation and guidance for guiding the financial activities of the City and directing the City as being good stewards of the City's monies. In addition to the ordinance, the City must also abide by state, and federal laws.

As far as changes since the first read, Attorney Walker-Ashby stated there was a subsection regarding the Purchasing Policy that was removed. There was a first read of a Purchasing Policy that would be coming back before the Council. Mr. Milazi has been following the practices and policies, and was asking them to be codified.

Motion was made by Councilmember Oladapo to approve the Ordinance (ORD 2024-04-01) Creating Article V, Finance, of Chapter 2, Administration of the City of Mableton Code of Ordinances. Councilmember Herndon seconded the motion. The motion carried 6-0.

12. NEW BUSINESS

- a. Consideration and Approval of Agenda Management Software - Civic Plus - \$21,896 - City Clerk Susan Hiott

Motion was made by Councilmember Ferguson to approve the Agenda Management Software at an amount not to exceed \$25,000. Councilmember Oladapo seconded the motion. The motion carried 6-0.

- b. Consideration and Approval of Financial Software (ERP) from BS&A - \$105,910 - Finance Consultant Frank Milazi

Motion was made by Councilmember Ferguson to approve the purchase of Financial Software (ERP) from BS&A not to exceed \$105,910.22 Councilmember Oladapo seconded the motion. The motion carried 6-0.

- c. Consideration and Approval of Resolution RES 2024-04-01 Updating the City of Mableton Preliminary Classification and Pay Plan and for Other Purposes - City Attorney Emilia Walker-Ashby

Mayor Owens explained the resolution was updating the Classification and Pay Plan to add a Community Development Clerk.

Motion was made by Councilmember Herndon to approve RES 2024-04-01 Updating the City of Mableton Preliminary Classification and Pay Plan. Councilmember Ferguson seconded the motion. The motion carried 6-0.

- d. Consideration and Approval of an Ordinance Amending the City of Mableton Transitional Spending Plan and for Other Lawful Purposes - Finance Consultant Frank Milazi

Mayor Owens recognized City Manager Tanks who provided background information.

City Manager Tanks explained the ordinance provided \$300,000 from fund balance to City Manager's budget including \$300,000 for preparing a place for employees to work. The extra \$9,153 was placed in City Clerk's Budget toward the hiring of the new Community Development Clerk. Mayor Owens noted the City was not saying the build out cost was going to be \$300,000 but was allocating \$300,000 toward the cost at this time.

Motion made by Councilmember Davis and seconded by Councilmember Oladapo to approve Ordinance (ORD 2024-04-02) amending the City of Mableton Transitional Spending Plan. The motion passed 6-0.

13. OTHER BUSINESS/DISCUSSION - None.

14. CITY MANAGER'S ANNOUNCEMENTS/COMMENTS - None.

15. CITY ATTORNEY/CITY CLERK/STAFF ANNOUNCEMENTS/COMMENTS - None.

16. MAYOR AND COUNCIL ANNOUNCEMENTS/COMMENTS

- Council expressed their appreciation for those who attended the meeting.
- Council expressed concern for the fourteen families burned out on Easter Day.
- Councilmember Oladapo announced details of the upcoming NACA event. Flyers were available.
- Councilmember Oladapo noted Regina Robinson was having a birthday.
- Councilmember Davis's birthday to Councilmember Ferguson and Tre Hutchins.
- Councilmember Auch announced details on upcoming Cobb County events.
- Councilmember Ferguson announced the City was now a member of the Cobb Municipal Association. Commissioner Cupid had spoken at the recent meeting.

- Councilmember Ferguson thanked Cobb County Sheriff's Office for providing security during the meetings.
- Councilmember Ferguson spoke about World Autism Day that was on April 2nd and referenced two local organizations that could help with the journey of having an autistic family member.
- Councilmember Herndon commented about Monday being tax day (April 15). She hoped to see everyone on Saturday, April 18 during the Taste of Mableton event.
- Mayor Owens thanked Mr. Rassler for attending. He reported on the Mableton legislation that was passed during the General Assembly. The hotel motel tax bill passed to change the tax from 5% to 8%. He explained that originally, the tax was 8% when the area was Cobb County, and went down to 5% when the City incorporated. The South Cobb Development Authority changed the name to the Mableton Development Authority. Those appointments by the County Commission will reallocate appointments to Mableton Council. The borders would match the city limits of Mableton and allow the City to be able to staff and continue efforts by the Mableton Development Department. He thanked Representatives Doug Stoner and Terry Cummings. He also thanked Senators Jason Esteves, Michael Doc Rhett, and Horacena Tate.
- Mayor Owens reported as part of the legislative session \$500,000 was allocated for the building of a health care facility on five acres at Magnolia Crossing.
- The City was actively working toward transferring the Planning and Zoning from the County.
- The Comprehensive Plan 2045 was in the works.
- Mayor Owens asked everyone who was interested in service on board and commission to contact their council person.
- Mayor Owens noted Councilmember Mayor Pro Tem Jeffcoat was not present because she was under doctor's care.
- Mayor Owens announced he was appointed to the Local Housing Action Committee which was about affordable housing.

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 made by Councilmember Ferguson to go into Executive Session to discuss litigation, real estate, and personnel. Councilmember Oladapo seconded the motion. The motion passed 6-0. (9:03 p.m.) Yeas: Owens, Davis, Oladapo, Auch, Ferguson, and Herndon

Motion made by Councilmember Auch to close the Executive Session. Councilmember Ferguson seconded the motion. The motion passed 6-0. Yeas: Owens, Davis, Oladapo, Auch, Ferguson, and Herndon (10:36 p.m.)

Motion made by Councilmember Oladapo to authorize the mayor to further negotiate and execute an employment agreement with the city manager at an amount not to exceed the parameters of the City's Pay Classification Schedule. The motion passed 6-0.

18. ADJOURNMENT

Motion made by Councilmember Auch to adjourn. The motion was seconded by the Council and the motion passed 6-0. The meeting adjourned at 10:38 p.m.

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
April 10, 2024 @ 5:15PM

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 Michael Owens
2. **ROLL CALL**
3. **AGENDA ITEMS AND DISCUSSION**
4. **PRE REGULAR MEETING AGENDA REVIEW (OF APRIL 10, 2024)**
5. **ANNOUNCEMENTS**
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)*)****

There was a review of the April 10, 2024 regular agenda.

- Mayor Owens asked staff to find out when the 2023 DCA Salary Survey would be released.
- City Manager Tanks explained the Spending Plan amendment. In anticipation of a facility workspace, \$300,000 was pulled from Fund Balance to City Manager's Budget. Councilmember Ferguson thought the amount should be elevated for technology and build out. The \$300,000 was to get started, and more would be asked for later. The next budget begins July 1. Councilmember Ferguson stated he would want updated numbers.
- There was discussion about the proposed Financial software. Councilmember Ferguson stated he did not like to see software apps all over the place. It was also important to make sure the software integrated with other City software. Security of application was important.
- Council deliberated the proposed Ethics Ordinance. Councilmember Auch had presented another version of the ordinance. Council discussed the interpretation of the Mableton Charter regarding the number of board members and process for choosing board members in the Ethic Ordinance.

ADJOURNMENT - Motion to adjourn was made by Councilmember Ferguson and seconded by Councilmember Oladapo. The meeting adjourned.

**A RESOLUTION ADOPTING AN AGENDA MANAGEMENT AND ITEM SUBMITTAL
POLICY AND 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 Section 3.13 of the City of Mableton Charter, the city council shall appoint a city clerk who shall be the custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council. The city clerk shall serve at the pleasure of the city council;

WHEREAS, Pursuant to Section 2.20 of Mableton City Charter, the city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

WHEREAS, Pursuant to RES 2023-05-11 Section 9 Rules and Procedures, adopted May 25, 2023, the Mayor shall prepare an agenda of subjects to be acted on for each meeting; and

WHEREAS, an Agenda Management and Item Submittal Policy clarifies that the City Clerk’s Office shall be responsible for compiling and posting the agendas for council meetings and other authorities and boards appointed and established by the mayor and council;

WHEREAS, all agenda items should be briefed and confirmed through the City Manager and Mayor prior to submitting to the City Clerk.

WHEREAS, Pursuant to the Open Meetings Act Section 50-14-1, (e)(1) prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site as far in advance of the meeting as reasonably possible but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting; and

WHEREAS, the City Council through this Resolution desires to formally adopt the Agenda Management and Item Submittal Policy (Exhibit A) to ensure that the Mayor and Council have all background information in the agenda packet well in advance of Council meetings and the Open Meetings Act is followed.

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

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

Section 1. The City Council hereby officially adopts the Agenda Management and Submittal Policy attached as Exhibit A.

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

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

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

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

BE IT SO RESOLVED, this 24th day of April 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

**AN ORDINANCE CREATING CHAPTER 1, ARTICLE 2, CODE OF ETHICS, OF THE
CITY 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, the City Council is authorized by the City Charter Sec. 1.13 and O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the City Council deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure and that public office not be used for personal gain;

WHEREAS, such measures are necessary to provide the public with confidence in the integrity of City government;

WHEREAS, it is the policy of the City that its officials, employees, appointees, and volunteers conducting official City business: 1) serve others and not themselves; 2) be independent, impartial and responsible; 3) use resources with efficiency and economy; 4) treat all people fairly; 5) use the power of their position for the well-being of their constituents and 6) create an environment of honesty, openness and integrity; and

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

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

Section 1. Chapter 1, General Government, Article 2, Code of Ethics, of the City of Mableton Code of Ordinances is hereby created to read as follows:

CHAPTER 1 - GENERAL GOVERNMENT

ARTICLE 2 - CODE OF ETHICS

Sec. 1.2.1 – Purpose.

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 1.2.2 – Scope.

The provisions of this code of ethics shall be applicable to all elected or appointed city officials. Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 1.2.3 – Definitions.

Solely for the purpose of this code of ethics:

- (a) City official or official, unless otherwise expressly defined or provided otherwise by the city charter, does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “city official” also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.
- (b) Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) Employee means any person who is a full-time or part-time employee of the city.
- (d) Immediate family means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) Incidental interest means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (f) Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance

or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(g) Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or

(b) ten percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 1.2.4 – Prohibitions.

(a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

(b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.

(c) No city official shall act as an agent or attorney for any non-city associated and/or affiliated entity, in any matter before the city council or other city body.

(d) No city official shall directly or indirectly receive, or agree to receive, any gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

(e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.

i. This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.

- ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore. This provision shall not include non-attendance resulting from illness and/or matters beyond the official's reasonable control.

(p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Mableton nor shall any city official engage in ex parte communication with a municipal court judge of the City of Mableton on any matter pending before the Municipal Court of the City of Mableton.

Sec. 1.2.5 - Conflict of Interest.

(a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

(b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.

(c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. 1.2.6 – Board of Ethics.

(a) *Composition.* The Board of Ethics of the city shall consist of seven members with one member being appointed by each member of the city council and the mayor. The mayor's appointee may reside anywhere within the corporate limits of the city, but a member appointed by a councilmember shall reside within the district of the councilmember who appointed such member. The city clerk shall maintain a listing of the members. All members shall standbyremain available three (3) residents of the city, to be appointed as follows: the mayor shall appoint a qualified city resident to the board, who shall be a licensed attorney in good standing with the State Bar of Georgia and who shall serve on the Board for a two year term. The remaining councilmembers shall each designate one (1) qualified resident to provide a pool of six (6) individuals ("Council Ethics Pool") who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event an Board of Ethics is appointedPpanel is convened as set forth below. The city clerk shall maintain a listing of these qualified citizens. Upon receipt of a properly verified complaint and timely forwarding of that complaint to the city official charged in the complaint, the city clerk within (30) days thereafter, shall draw two members names randomly from non-mayoral appointed the Council Ethics Poolmembers of the Ethics Board, to constitute, alongside the mayor's appointee at such meeting, the Board of Ethics Panel ("Board of Ethics Panel") assigned to preside over for such chargecomplaint. The BoardEach assigned Board of Ethics Panel will elect-select one of its three presiding members to serve as chair.

(b) *Term.* All members of the Board of Ethics shall serve a term concurrent with the term of the councilperson who appointed them, with exception that a member who is assigned to a pending ethics complaint shall continue to serve until the conclusion of such complaint, shall serve a 2-year term, commencing from the date of their appointment.

(c) *Vacancies/disqualification.* An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified/replaced individual.

(d) *Compensation.* The members of the Board of Ethics shall serve without compensation. The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(e) *Qualifications.* No person shall serve on the Board of Ethics who:

1. Has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
2. Is less than 21 years of age;
3. Has not been a city resident for at least one (1) year immediately preceding the date of taking office. All Board of Ethics members shall remain a resident while serving on the Board;
4. Holds a public elective office;
5. Is physically or mentally unable to discharge the duties of a member of the Board of Ethics; or
6. Is not qualified to be a registered voter in the City of Mableton;
7. Has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city; or
8. Has any permit or rezoning application pending before the city, or any pending or potential litigation against the city and/or any city official charged in the complaint.

(f) *Attestation.* Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(g) *Removal.* Members of the Board of Ethics may be removed by majority vote of the city governing authority.

Sec. 1.2.7 – Receipt of Complaints.

- (a) *Contents and form.* No complaint shall allege charges against more than one official, nor shall it allege charges arising from an incident occurring more than six months from the date of the filing of the complaint. All complaints shall:
- i. contain the complainant's name, email and address;
 - ii. be submitted and signed by the complainant under oath;
 - iii. be limited to alleged violations of this article; and
 - iv. specifically name all sections of this article of which the official is alleged to have violated.

ii. *Filing.* All complaints against city officials shall be filed with the city clerk, who will give it to the mayor and council. The city clerk or the clerk's designee shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days from their receipt of a complaint in proper form. The city clerk shall be authorized to reject a complaint that is not filed in proper form as required under this article.

iii. *Board review.* Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Board of Ethics is empowered prior to conducting a hearing to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council. For complaints that are not dismissed, the Board of Ethics is empowered to collect additional evidence and/or information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

iv. *Dismissal.* The Board of Ethics is empowered at any time to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council.

v. The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

vi. *Forms.* The Board of Ethics and/or city clerk is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

vii. *Board findings.* Findings of the Board of Ethics shall be submitted to the city council for action. Some elected officials raised concerns about potential misuse of the ethics complaint process for political purposes.

viii. *Political Timed Complaints.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints shall be tolled during this period.

Sec. 1.2.8 – Service of Complaint.

The city clerk shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, the complainant's email, official city email, certified mail, return receipt requested or by statutory overnight delivery.

Sec. 1.2.9 – Hearing.

A hearing shall be held within sixty (60) calendar days after the filing of a properly filed complaint that has not been earlier dismissed by the Board of Ethics for being unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The recommendation of the Board of Ethics shall be rendered to the mayor and council within seven (7) calendar days after completion of the Board's final hearing. At any hearing held by the Board of Ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least thirty (30) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the city council to act upon any complaint.

Sec. 1.2.10 – Penalty.

Any person violating any provision of this article may be subject to the following by the city council:

- (a) Public reprimand or censure by the city council; or
- (b) Request for resignation by the city council.

Sec. 1.2.11 – Appeal.

(a) Any appeal of a final ethics decision by the city council under this article shall be filed with the Cobb County, Georgia, Superior Court, as required by law.

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

- (a) 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.
- (b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. 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 provided otherwise by the City Charter, state and/or federal law.

SO ORDAINED this _____ day of _____ 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (“Agreement”) is made this 25th day of March 2024, by and between **the City of Mableton**, with office located at 135 Riverside Parkway, Austell, GA 30168 (“the City”) and **the Institute for Building Technology and Safety**, a Virginia non-stock corporation headquartered at 45207 Research Place, Ashburn, VA, 20147 (“IBTS”).

WHEREAS, the City desires to hire IBTS to perform the Services set forth in Exhibit A; and

WHEREAS, IBTS, among other services, offers a broad range of professional municipal management services set forth in Exhibit A and desires to provide these services to the City.

NOW THEREFORE, in consideration of the above, IBTS and the City hereby enter into this Agreement and agree as follows:

1.0 SERVICES

IBTS will provide to the City the services set forth in Exhibit A (the “Services”), which is hereby incorporated by reference as if fully rewritten herein.

2.0 FEES

IBTS will perform the Services for the fee(s) set forth in Exhibit A.

3.0 CHANGES AND ADDITIONAL SERVICES

The City may request additional Services at any time by making a written request for a modification to this Agreement. If any such change causes an increase in the rates, costs, or in the time required for performance of this Agreement, such change will become effective upon the execution by both parties of an amendment to this Agreement.

4.0 PAYMENT TERMS AND PROCESS

IBTS shall submit invoices to the City by the 15th day of each month for Services rendered in the previous month. Invoices shall include a breakdown of labor and direct costs (if any) in accordance with the Statement of Work, and sufficient detail to describe the nature or the work completed. All allowable direct expenses of IBTS pursuant to the Statement of Work, such as travel or materials, will be billed to the City at IBTS’s cost without mark-up. Travel costs must be pre-approved in writing and conform to the GSA Federal Travel Regulations. The City will pay IBTS within thirty (30) days after it has received a proper invoice.

Invoices will be emailed to the City as follows:

Mayor Michael Owens

michael.owens@mableton.gov

5.0 TERM OF AGREEMENT

This Agreement shall be effective as of the date set forth above and shall continue in full force and effect for one (1) year, unless (a) a different period of performance is set forth in the Statement of Work, or (b) terminated sooner as set forth below or due to completion of the Services or a reduction in scope. Written notice of early termination not for cause shall be provided to IBTS no less than three (3) weeks in advance. The City and IBTS may negotiate to extend the term of this Agreement and the terms and conditions under which the relationship shall continue.

6.0 TERMINATION FOR CAUSE/STOP WORK

6.1 The City may terminate this Agreement for cause if IBTS fails to comply with the terms and/or conditions of this Agreement, provided that the City shall give IBTS written notice specifying IBTS' alleged failure and be given the opportunity to cure such failure within thirty (30) days. If within thirty (30) days after receipt of such notice, IBTS shall not have either corrected such failure or, in the case of failure which cannot be corrected in thirty (30) days, begun in good faith to correct said failure and thereafter proceeded diligently to complete such correction, then the City may seek services from another source.

6.2 If the City is more than forty-five (45) days late with payment of any proper invoice, then IBTS, upon ten (10) days written notice may, in its sole discretion stop work until payments are current or terminate this Agreement.

7.0 TAXES

IBTS is responsible for payment of all applicable payroll taxes for its employees and on all fees received hereunder. IBTS's Federal Tax Identification Number is 54-1963889.

8.0 STANDARD OF CARE

IBTS shall perform the Services in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances in the same geographical area. IBTS makes no warranty, express or implied, as to the Services rendered under this Agreement.

9.0 LIMITATION OF LIABILITY

To the fullest extent permitted by law, the total liability, in the aggregate, of IBTS, IBTS's officers, directors, partners, employees, agents, and contractors, to the City, and anyone claiming by, through, or under the City for any claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to this Agreement, from any cause or causes, including but not limited to negligence, professional errors and omissions, strict liability, breach of contract, or breach of warranty, shall not exceed the total compensation received by IBTS hereunder.

10.0 INDEMNIFICATION

Each party agrees to defend, indemnify and hold harmless the other party, its parents subsidiaries and affiliates and its directors, employees and agents from and against any and all liability, claims, suits, losses, costs and legal fees, to the extent caused by any negligent act or omission of such party in the performance and/or failure to perform this Agreement, including the negligent acts or omission of any subcontractor or any employees of the other or their subcontractors.

11.0 INSURANCE

11.1 IBTS shall submit evidence of insurance to the City and will add the City as an “additional insured party” on IBTS’s Commercial General Liability and Automobile Liability policies. Insurance shall be placed with insurers with an A.M. Best’s financial strength and size category rating of no less than A-VI. IBTS will provide at least thirty (30) days prior written notice of any cancellation or material change in of the below listed policies.

11.2 During the term of this Agreement, IBTS shall maintain the following policies and limits of insurance:

- a. Worker’s Compensation Insurance. IBTS shall maintain Workers’ Compensation Insurance for all of the IBTS employees. In case any work is sublet, IBTS shall require the Subcontractor similarly to provide Workers’ Compensation Insurance for all the latter’s employees, unless such employees are covered by the protection afforded by IBTS. In case any class of employees engaged in work under the Agreement is not protected under the Workers’ Compensation laws, IBTS shall provide for any such employees, and shall further provide or cause any and all subcontractors to provide Employer’s Liability Insurance for the protection of such employees not protected by the Workers’ Compensation laws.
- b. Commercial General Liability Insurance. IBTS shall maintain Commercial General Liability Insurance which shall protect IBTS, the City and any subcontractors during the performance of work covered by the Agreement from claims or damages for personal injury, including accidental death, as well as for claims for property damages, which may arise from operations under the Agreement, whether such operations be by IBTS staff or by a subcontractor, or by anyone directly or indirectly employed by either of them. In the absence of specific regulations, the amount of coverage shall be as follows: Commercial General Liability Insurance, including bodily injury, property damage and liability, with combined single limits of \$1,000,000.
- c. Automobile Insurance. IBTS shall maintain Automobile Liability Insurance in an amount not less than combined single limits of \$1,000,000 per occurrence for bodily injury/property damage. Such insurance shall cover the use of any non-licensed motor vehicles engaged in operations within the terms of the Agreement to be performed thereunder, unless such coverage is included in insurance elsewhere specified.
- d. Umbrella/Excess Liability. IBTS shall maintain Umbrella/Excess Liability Insurance in an amount not less than \$5,000,000 each occurrence and in the aggregate.
- e. Professional Liability Insurance. IBTS shall maintain Professional Liability Insurance in an amount not less than \$1,000,000 each claim and in the aggregate.

12.0 DISPUTE RESOLUTION

Any dispute arising under this Agreement which is not settled by agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal, or judgment referred to in this clause or the settlement of any dispute arising under this Agreement and to the extent not otherwise set forth herein, IBTS shall cease to perform the Services under this Agreement, until the matter has been resolved.

13.0 ASSIGNMENT

IBTS shall not assign any interest in this Agreement by assignment or transfer without prior notification from IBTS to the City and obtaining written consent of the City. This provision shall not be construed to prohibit IBTS from assigning to a bank, trust company, or other financial institution any money due or to become due from approved Agreements without such prior written consent.

14.0 AGREEMENT MODIFICATION

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by both parties and approved as may be required by law. No oral understanding not incorporated in the Agreement is binding on any of the parties.

15.0 CONFIDENTIALITY

The City agrees that its staff and agents may become aware of IBTS intellectual property or information protected as trade secret such as business processes and procedures. The City agrees that it will not discuss with outside parties any information protected accordingly. The City shall not be required to keep confidential any data or information that is, or becomes publicly available, is already rightfully in the City's possession, is independently or is rightfully obtained from third parties.

At all times in the duration of this Agreement, the City owns and will have the right to all data including inspection and plan review information, information bulletins, forms, and other related technical material resulting from this effort. However, IBTS will retain intellectual rights on the forms and procedures, training, material, management systems, and IT system it develops for the City for use in other business areas. IBTS will maintain records of the information related to the building department services it performs.

16.0 SUBCONTRACTORS

IBTS may use consultants or staff provided by a subcontractor. In such case, IBTS will be fully responsible for the work completed by the consultant and staff provided by a subcontractor to IBTS for this Agreement. In no event shall the existence of a subcontract operate to release or reduce the liability of IBTS to the City for any breach in the performance of IBTS's duties. IBTS shall require all subcontractors to comply with all terms of this Agreement, including, but not limited to maintaining the minimum insurance coverages in Section 11.0.

17.0 COMPLIANCE WITH CIVIL RIGHTS LAWS

IBTS agrees to abide by the requirements of the following as applicable: Title VI and Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, and the Age Act of 1975. IBTS further agrees to abide by the requirements of the Americans with Disabilities Act of 1990. IBTS agrees not to discriminate in its employment practices and will render services under this Agreement without regard to race, color, religion, sex, sexual orientation, national origin, veteran status, or political affiliation.

18.0 NOTICES

All contractual notices shall be addressed to:

**Institute for Building Technology
and Safety (IBTS)**

Attn: Contracts
45207 Research Place
Ashburn, VA 20147
Contracts@ibts.org

City of Mableton

Attn: Mayor Michael Owens
Address: 135 Riverside Parkway
Address: Austell, GA 30168
Email: michael.owens@mableton.gov

All technical notices shall be addressed to:

**Institute for Building Technology
and Safety (IBTS)**

Attn: Chris Miller
Address: 45207 Research Place
Address: Ashburn, VA 20147
Email: cmiller@ibts.org

City of Mableton

Attn: Mayor Michael Owens
Address: 135 Riverside Parkway
Address: Austell, GA 30168
Email: michael.owens@mableton.gov

19.0 SEVERABILITY

If any term or condition of this Agreement or the application thereof is held invalid, such invalidity shall not affect other terms, conditions, or applications which can be given effect without the invalid term, condition, or application; to this end, the terms and conditions of this Agreement are declared severable.

20.0 ORDER OF PRECEDENCE

This Agreement shall, to the extent possible, be construed to give effect to all of its provisions; however, where provisions are in conflict, first priority shall be given to the provisions of the Agreement and its amendments. Secondary priority shall be given to the provisions of the IBTS Scope of Services and its amendments.

21.0 GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without giving effect to any conflicts of laws principles. Any lawsuits arising out of this Agreement shall be filed in the appropriate State Court of competent jurisdiction located in Loudoun County, Virginia.

22.0 ADDITIONAL TERMS AND CONDITIONS

Additional terms and conditions, if any, shall be included in Exhibit B to this Agreement, which shall be incorporated by reference as if fully rewritten herein.

23.0 COMPLETE AGREEMENT

This Agreement constitutes the complete agreement and sets forth the entire understanding and agreement of the parties as to the subject matter of this Agreement and supersedes all prior discussions, communications and understandings in respect to the subject of this Agreement, whether written or oral.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

Institute for Building Technology and Safety	City of Mableton
By: _____	By: _____
Name: Anjuma Goswami Karkera	Name: Michael Owens
Title: Chief Executive Officer	Title: Mayor
Date: _____	Date: _____

EXHIBIT A – SCOPE OF WORK AND FEES

Project Overview

The City of Mableton seeks to transition from the Cobb County Zoning Ordinance to a new, tailored Zoning Ordinance that aligns with the unique needs and objectives of the city and its leadership. This project involves developing the Mableton Zoning Ordinance and related documents, drawing on our team’s extensive experience in zoning, development standards, and city planning. Additionally, the City’s Zoning Ordinance and the associated development standards also need to be aligned with the City’s regulatory framework and future permit system.

Our team will be led by Rob Hosack, a nationally certified planner and a certified public manager with over 30 years of government and private sector experience who has led important regional and statewide redevelopment initiatives. He has extensive experience guiding cities and counties through strategic budgeting processes, enhancing AAA credit ratings, overseeing SPLOSTs programs, and implementing and overhauling economic development incentives processes. Relevant to this engagement, Mr. Hosack was the County Manager for Cobb County between 2017 and 2020 after spending over 16 years as the County’s Community Development Director. As needed, Mr. Hosack will be supported by Chris Miller, ACIP.

Objectives

1. Develop a comprehensive Zoning Ordinance for Mableton that reflects the city's specific needs, goals, and development objectives.
2. Ensure the ordinance supports sustainable development, community welfare, and economic growth.
3. Facilitate a smooth transition from the Cobb County Zoning Ordinance with minimal disruption.
4. Initiate the overall permitting framework to support the future development of the City’s building and land development permitting system.
5. Incorporate best practices and lessons from Bentley and Hosack's previous work.

Scope of Work and Deliverables

Task 1: Preliminary Analysis and Framework Development

1. Review the current Cobb County Zoning Ordinance and Development Standards, the Mableton Form-Based Code, and the South Cobb Implementation Strategy.
2. Identify customization areas for Mableton's needs.
3. Develop an initial framework for Mableton's Zoning Ordinance.

Deliverable #1 - Technical Memorandum #1: Cobb County Zoning and Development Standards Review

- Review the current County’s regulations related to zoning and development and identify areas and specific instances where the County’s zoning ordinance and development standards must be updated/adjusted to meet the City’s needs.

Task 2: Stakeholder Engagement and Feedback

1. Conduct workshops and meetings to gather input on the proposed Zoning Ordinance.
2. Incorporate stakeholder feedback to reflect community values and goals.

Deliverable #2 - Technical Memorandum #2: Stakeholder Input Report

- Summarize input received from all stakeholder groups, including the Mayor and Council, municipal staff, residents, business owners, and the development community. Include a section on recommendations from the stakeholders on specific changes to the County's regulations to better reflect the needs of Mableton.

Task 3: Draft Zoning Ordinance and Related Documents, Including SOPs and Fee Schedule

1. Draft the Comprehensive Zoning Ordinance and related documents, including development standards and procedural guidelines.
2. Ensure compatibility with Mableton's Comprehensive Plan.
3. Establish a review process for site plans, rezoning applications, variance requests, etc.
4. Develop criteria and checklists for evaluating submittals and associated SOPs in connection with the City's GovPilot software.
5. Work with City's leadership team to open a 30-day transition window with Cobb County
6. Create a fee schedule for rezoning applications and comprehensive amendments.

Deliverable #3 - Technical Memorandum #3: Draft Zoning Ordinance / Land Development Code

- Draft of the proposed Zoning Ordinance / Land Development Code for Mableton. This document will be provided in ordinance form and will also include a fee schedule for zoning and comprehensive plan amendments.

Task 4: Implementation Support and Training

1. Work with the City's leadership team for the adoption of the Zoning Ordinance / Land Development Code.
2. Develop implementation guidelines and training materials for the new Zoning Ordinance / Land Development Code.
3. Provide training sessions highlighting key compliance points and tips for successful submissions.
4. Provide an initial assessment of different options for the City's future building permit process

Deliverable #4 - Technical Memorandum #4: Building Permit Framework

- Summary of alternatives available to the City relative to the building permit process. This report will include associated staffing costs with each alternative and a high-level fiscal analysis based on the historical permit activity in Mableton since 2018 provided by Cobb County.

- Implementation Support and Training—The IBTS team will work with the City during the approval process (including attending public meetings) to help facilitate the code's adoption. After adoption, the IBTS team will provide training to the City's staff and be available to answer questions related to the code's implementation and enforcement.

Compensation

IBTS will invoice the City after the successful completion of each deliverable as follows:

Deliverable #1	\$17,200
Deliverable #2	\$8,600
Deliverable #3	\$25,800
Deliverable #4	\$17,200
Total	\$68,800.00

Period of Performance

The period of performance is from May 1, 2024, through August 31, 2024.

Any changes to terms or price will be made in accordance with Section 3.0.

A Resolution in Recognition of Georgia Cities Week April 21-27

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

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

WHEREAS, the City of Mableton was established in 2022, and its first transitional meeting was held May 11, 2023; and

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

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

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

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

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

Section 1. THAT THE CITY OF MABLETON DECLARES APRIL 21-27, 2024, AS GEORGIA CITIES WEEK.

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

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

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

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

BE IT SO RESOLVED, this 24th day of April 2024.

ATTEST:

CITY OF MABLETON, GEORGIA:

Susan D. Hiott, City Clerk

Michael Owens, Mayor

APPROVAL AS TO FORM:

Emilia Walker-Ashby, Interim City Attorney