

**NEIGHBORHOOD PLANNING UNIT A
NEIGHBORHOOD PLANNING UNIT B
NEIGHBORHOOD PLANNING UNIT C**

August 26, 2021

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Re: 2021 CDP Update

Dear Honorable City Council Members, Commissioner Keane and Mr. Humphries:

We write to oppose the 2021 CDP update as currently drafted and to ask that you pare it back to only what is legally required for a five-year update.¹

¹ See Georgia Planning Act, O.C.G.A. 50-8-1 *et seq.* and Rules of the Georgia Department of Community Affairs—Minimum Standards and Procedures for Local Comprehensive Planning, Section 110-12-1.01 *et seq.*

Here is why:

I. We were misled.

In numerous communications leading up to the release of the 2021 update in June, we were advised that this year's required update would be "bare bones," "purely administrative" and "only the minimum the law requires."² Indeed, Draft II³ of the proposed update itself recites, "After consulting with the PLG, SAC and TAC . . . , the Department of City Planning [DCP] decided to reset the comprehensive development planning process *by only focusing on the required updates this year* and beginning a more robust process in 2022." Draft II at p. 28 (emphasis added).

However, instead of confining the proposed 2021 CDP update to "the required updates," what the City actually proposed was some 600 pages of narratives, new policies, significant changes in policies and objectives (especially with respect to single-family neighborhoods), "policy action" items seeking specific zoning changes, and incorporation of numerous planning initiatives and other documents *that have never previously been approved by City Council*. Only small portions of this sprawling, internally inconsistent document—Appendices I and III—are legally required.

What is worse, Draft II added new language that provides, "Zoning changes in Atlanta *must* be consistent with the comprehensive development plan." Draft II at p. 48 (emphasis added). This language would appear to lock in the future zoning changes contemplated (or, in some places, specifically directed) by the new policies and policy action items—thus weakening the public's ability to influence subsequent zoning legislation and indeed, *weakening the zoning power of City Council itself*.

We venture to say that few Council members—and even fewer neighborhood leaders and Atlanta residents—have read this 600-page document that by its own terms "will influence decisions impacting lives all over the city." Draft II at p. 35. We also suspect that many residents and neighborhood leaders may have even *forgone* review of this document in reliance on the City's repeated assurances that

² Georgia law requires that the City adopt a comprehensive CDP every fifteen years, with updates on the intervening 5-year anniversaries. The 2016 CDP was a comprehensive 15-year plan, and only an update is required in 2021.

³ The current draft of the 2021 CDP update was published on July 10, 2021, and is called "Draft II" on the DCP's website.

this update would be “bare bones,” “administrative” (in the ordinary sense of the word) and confined to “the required updates.”

Under the circumstances (and especially given the compressed timeframe for reviewing such a significant document), good governance and simple fairness demands that the 2021 CDP update be pared back to what the DCP originally promised—the minimum that is legally required, *i.e.*, Appendices I and III. Anything more would be a breach of the public trust.

II. The proposed update departs from The Atlanta City Design in fundamental ways.

In multiple forums, including 2021 CDP update itself, DCP officials have stated that one of the primary purposes of the 2021 update is to “conform the CDP to The Atlanta City Design”—a visionary and broadly agreed-upon plan that sets out the values and design for our city’s growth and that was incorporated into the Atlanta City Charter in 2017. As set out more fully below, we believe the “conforming” exercise is both unnecessary and legally confusing (*see* Section III(a) below), but even if that were not the case, the proposed 2021 CDP update not only does not conform to the Atlanta City Design, it departs from both its values and its directives in very fundamental ways:

a. It fails to balance growth with “things that need protection.”

The Atlanta City Design identifies five core values—Equity, Progress, Ambition, Access and Nature—and it specifically provides that “the intrinsic value of Progress” must be tempered “with Integrity,” which it defines as “striking the right balance between things that need protection and others that the market can change.” Atlanta City Design at p. 160. “By balancing our priorities so that we also support things with meaning, we’ll make sure Progress . . . will become a shared commitment to the hard work of protecting the values, character and people that make this city worth living in.” Atlanta City Design at 160.

The Atlanta City Design goes on to specifically identify our city’s historic heritage, its existing, tree-covered neighborhoods, and our urban forest and tree canopy as “things we value,” things that that must be “celebrated and preserved” and things that are often put at risk by unfettered growth (Atlanta City Design at pp.166, 192, 199, 202), and thus, by definition, as things that must be balanced against growth if the Progress with Integrity value is to be honored. But the 2021

update fails *even to acknowledge this value*, much less to provide a framework for the balancing it requires. More importantly, as more specifically shown below, it fails to apply this value in its formulation of the policies and policy actions it proposes.

b. It fails to incorporate The Atlanta City Design’s basic framework for growth.

Consistent with its Progress with Integrity value and its express recognition that “[d]enser development . . . [comes] at the expense of our natural assets” and specifically “our iconic urban forest,” the Atlanta City Design sets out a very specific framework for Atlanta’s growth: It calls for the City to identify “areas for growth” and “areas for conservation” and to “draw lines” between them and “between subareas for each.” And it goes on to direct the City to “[d]efine the intention of each area, rules to shape them, and a public process for vetting and changing these lines over time.” *Atlanta City Design* at 190-91.

The proposed 2021 CDP update includes the Atlanta City Design’s maps of Growth Areas and Conservation Areas and in passing mentions two of the four subareas of the Conservation category, but it otherwise makes *no effort whatsoever* to provide a framework for Atlanta’s growth along the lines the design plan demands, much less for defining the “intentions” and “rules” for the various subareas. In fact, the proposed update expressly *declined* to incorporate the Atlanta City Design’s growth framework “for now,” saying that it merely “suggests additional design considerations.” Draft II at page 38. Given how central—indeed *fundamental*—the growth/conservation distinction is to the Atlanta City Design (which is now part of the City Charter⁴), one cannot help but wonder if this deferral was intended to avoid the limitations this framework would impose on the DCP’s efforts to increase density in Atlanta’s single-family neighborhoods.

c. It totally ignores the Atlanta City Design’s approach and directives for managing growth.

The Atlanta City Design is extraordinarily clear on its approach to growth—an approach it defines “at core” as “the careful juxtaposition of a vibrant city and a verdant forest.” That “careful juxtaposition” and the directives that come with it are worth quoting in their entirety:

⁴ The Atlanta City Design was incorporated into the City Charter in 2017 by Section 1 of Ordinance 17-O-1706.

Growth Areas

Growth *will* be organized into already-developed areas that are suitable to taking on growth. This includes the historic core of the city, the corridors that flow outward in every direction, and the outlying clusters like Buckhead and Greenbriar. *These Growth Areas represent an enormous capacity that, if properly designed, can easily accommodate Atlanta's expanding population.*

Conservation Areas

The rest of the city *will be protected* from overwhelming growth. The intown neighborhoods and lush suburban territories will grow in ways that retain and improve their charm and their leafy tree canopy. Strategic production areas will also be protected from growth. These Conservation Areas represent ecological value, historic character, and housing options that, if properly designed, can make living with all those new neighbors a pleasure.

Atlanta City Design at p. 244 (emphasis added). The Atlanta City Design makes this concept clear elsewhere as well—for example, “By organizing growth in already-dense zones like [the] Downtown, Midtown and Buckhead [business/commercial districts] and along strategic corridors like the Atlanta Beltline, *we can accommodate our anticipated growth ‘without encroaching on existing neighborhoods.’*” Atlanta City Design at p. 120 (emphasis added). **Just as it did with the Atlanta City Design’s growth framework, the 2021 CDP update *totally ignores* both this carefully balanced approach to growth its directive to focus growth in Growth Areas and designated corridors.**

What is worse, many of the update’s specific policies and policy actions are directly at odds with the Atlanta City Design’s carefully laid out approach to growth. For example, Draft I⁵ contained a policy action item (which the DCP has indicated it will continue to seek)⁶ to “[a]mend the zoning ordinance to reduce

⁵ The initial draft of the 2021 CDP update was published in June 2021. We refer to it as Draft I.

⁶ Draft I included multiple provisions for spurring increased density in Atlanta’s single-family neighborhoods, including, among others, provisions for reducing minimum lot sizes, allowing accessory dwelling units (ADUs) on all single-family properties citywide, and allowing ADUs to be subdivided off and sold. After receiving 1050 calls in opposition to those provisions, DCP promised to delete the first two and to delete the third to the extent that it would allow ADUs in zones R-1, R-2 and R-3. And DCP did in fact delete precise language in those respects in Draft II. However, it indicated in an appendix that it nonetheless intends to continue to campaign for all of these provisions (*see* Appendix II at page 84), and it is apparently continuing to pursue them. *See* proposed ordinance Z-21-74 (allowing subdivisions of ADUs in zones R-4 and R-5) and Draft II at page 103 (proposing to amend the zoning ordinance to allow ADUs “in more areas”—which by definition includes R-1, R-2 and R-3 zones, since ADUs are *already* allowed in the other single-family classifications). *See also* David Pendered, *Atlanta’s Plan to*

minimum lot sizes [of residential properties].” Such a provision was specifically aimed at spurring growth in Atlanta’s single-family neighborhoods (which the Atlanta City Design designates as Conservation Areas) and would have spawned dramatic increases in density in neighborhoods subject to gentrification and those with high land values, **with a commensurate destruction of tree canopy**. We understand that was in fact the purpose of the specified zoning change—the creation of “density for density’s sake” in Atlanta’s single-family neighborhoods—a stated goal of the City’s Office of Housing and Community Development.⁷ **No effort was made to balance those density goals with the dramatic loss of tree canopy such density would entail, and in fact the certain destruction of tree canopy was not even acknowledged.**

Similarly, Draft II contains a provision for the rezoning of *all* properties within a half-mile of transit stations, regardless whether the properties are in Growth Areas or Conservation Areas.⁸ Recently filed legislation seeking to enact this provision proposes to rezone some 2200 single-family properties across the city to “Multifamily/mixed use,” a classification that would allow at least 105,600 dwelling units to be built on those properties—and likely many more, depending on the actual sizes of the current lots. As with the properties slated for reduction of minimum lot size, these 2200 properties are *all* in Conservation Areas, according to The Atlanta City Design. And if the current legislation is passed, the number of dwelling units could be built on them—*almost half the total number of current dwelling units in all of Atlanta*—would increase allowable density on those properties **at least 48-fold, with a total loss of tree canopy in a combined area well over half the size of New York’s Central Park—and very likely considerably larger.**

We should also point out that the re-zonings contemplated by this legislation and the 2021 CDP update would entail the loss of significant amounts of Atlanta’s historic neighborhood character—including significant portions of Victorian-era

Boost Density: City Steps Back, but Doesn’t Abandon its Plan, Saporta Report (July 28, 2021) (“According to language in the appendix, the city’s intent is to campaign for its original residential density proposals in two venues: The lead-up to the release of the next draft of the document, on Sept. 13; and the implementations of these concepts into the nuts-and-bolts zoning codes that guide the city’s growth and development.”).

⁷ DCP initially said the purpose of this provision was to create affordable housing. When we pointed out that the land values in the areas most likely to be subdivided were already so high the creation of affordable housing would be impossible, City officials ultimately acknowledged that the purpose was simply to increase density.]

⁸ Note that the 2016 CDP policies would *disallow* this proposed rezoning of single-family properties. Although supportive of transit-oriented development in corridors and commercial/business areas near transit, it specifically provides that single-family neighborhoods must nonetheless “be protected from encroachment of nonresidential uses and incompatibly scaled residential development.” 2016 CDP at p. 194.

Inman Park, some *65 percent* of the diverse neighborhood of Candler Park (which is on the National Register of Historic Places) and 118 properties in Ansley Park (a neighborhood *eligible* for National Register listing and that would thus be protected under 2016 CDP. *See* 2016 CDP at p. 90.

We submit that each of these examples flies in the face of the Atlanta City Design’s clearly defined *balanced* approach to our city’s growth and, even more importantly, of Progress with Integrity, one of the five values on which that approach to growth was expressly based. More to the point, they are merely illustrative of the DCP’s general approach to growth in the 2021 CDP update—an approach that prioritizes growth in the Atlanta City Design’s Conservation Areas *without consideration of other things we value—and despite the capacity of Growth Areas to accommodate the city’s population needs.*

III. The bulk of the proposed 2021 CDP update is confusing and unnecessary, and it undermines critical objectives in the 2016 CDP—a 15-year plan.

As the 2016 CDP rightly notes, the City’s comprehensive development plan is—and should be—a “fact-based resource” that “creates an environment of predictability for business and industry, investors, property owners, taxpayers and the general public.” 2016 CDP at p. 2. We submit that the proposed 2021 update’s long narratives, its inconsistent and reworded policies, its policy changes and policy reversals, and its incorporation of multiple planning initiatives that have not been Council-approved would quite literally layer 600 pages of confusion over Atlanta’s comprehensive development planning. And what is worse, it would not only do so unnecessarily, but also undermine the vision and objectives of the current 15-year plan in the process.

In that regard, we would urge you to consider the following:

a. The policies set out in the Atlanta City Design *already* apply to the CDP.

After careful consideration and a thoughtful and inclusive process, the Atlanta City Design was incorporated into the City Charter in 2017. Accordingly, the policies it contains already apply to City’s planning activities, and, as lawyers would say, the actual document “speaks for itself.” The proposed 2021 CDP update includes some of the Atlanta City Design’s policies and provisions, but not nearly all, and it rewords and/or significantly limits or otherwise changes many of

the ones it does include—very likely setting the City up for litigation by those Atlanta residents negatively impacted by those omissions and changes.

We submit that the Update’s restatement of *some* of the Atlanta City Design is not only unnecessary but actually hurtful to the City. We further suggest that if the City believes those policies and provisions should be included in the CDP (despite their inclusion in the City Charter), it should incorporate them by reference and confine any other “conforming” provisions to the *implementation* of the document’s express policies and directives.

b. Many of the policies in the proposed 2021 CDP update are dramatically inconsistent with the 2016 CDP.

The vision of the 2016 CDP is laid out in its opening pages and includes the following imperatives:

- “Atlanta *will* . . . [r]espect and maintain the character of the City’s residential neighborhoods and preserve single-family residential neighborhoods.” 2016 CDP at p. 8.
- “Atlanta *will* . . . [b]rand the City’s identity by preserving the unique character of established neighborhoods and supporting revitalization efforts that will increase housing opportunities and neighborhood stability.” 2016 CDP at p. 8.

The 2016 CDP goes on to identify the following as the “***Highest Ranked Needs and Opportunities Among All Needs and Opportunities***” laid out in its some 300 pages:

- “Preserve existing neighborhoods.” 2016 CDP. at p. 9.⁹
- “Traffic congestion.” 2016 CDP at p. 9.
- “Create plans to encourage and promote growth in areas with slow growth/declining population.” 2016 CDP at p. 10.

⁹ See also 2016 CDP at pp. 215-16 (reiterating this designated “need” as an Urban Design policy directive); 2016 CDP at pp. 227-28 (reiterating this designated “need” as a Land Use policy directive); 2016 CDP at 269 (reiterating this designated “need” as a “Traditional Neighborhood Existing” policy directive). The 2016 CDP also expressly notes, “Maintaining the existing character and preserving the housing stock of [Existing Traditional] neighborhoods and preventing the encroachment of incompatible uses are very important. The development pattern should be supported by infill housing construction that is compatible with the existing scale and character of the neighborhood. There should be emphasis on reinforcing the stability of the neighborhood by . . . creating and maintaining neighborhood identity.” 2016 CDP at p. 269.

- “The size of flooded areas has grown due to increased volume and velocity of stormwater from impervious surfaces in watersheds throughout the City. Frequent flooding is a consistent issue in some areas.” 2016 CDP at p. 78.
- “Urban forest land and the city’s tree canopy are disappearing.” 2016 CDP. at p. 80.

By major contrast, the 2021 CDP update—which, despite assertions to the contrary, has received virtually *no* significant airing among the City’s NPU’s, much less its residents—would turn these well-vetted and agreed-upon priorities on their head. As set out throughout Draft II’s many, many pages—and as dramatically illustrated by the recently filed legislation—the 2021 update does the following:

- *It prioritizes increased residential density in Atlanta’s single-family neighborhoods over any considerations of neighborhood stability or “the unique character of established neighborhoods.”*
- *It prioritizes increased residential density in Atlanta’s single-family neighborhoods over the impact of that density on Atlanta’s iconic tree canopy.*
- *It prioritizes increased density in Atlanta’s single-family neighborhoods over the impact of that density on the flooding many Atlanta neighborhoods already suffer.*
- *It prioritizes density-producing development in established, stable neighborhoods over efforts to promote growth in areas that need and want it.*
- *And it prioritizes elimination of off-street parking requirements over any considerations of the traffic congestion such elimination would invariably entail.*¹⁰

Coming a mere five years after the considered and well-aided policies, goals and objectives set out in the 2016 CDP—which was supposed to be a *15-year plan*—these dramatic changes in priorities erase any semblance of the “predictability” the comprehensive development process requires.¹¹

¹⁰ Witness the recently filed legislation, which would allow *some* 5700 dwelling units on the Ansley Park properties where 118 single-family homes now sit—with *no* provision whatsoever for anything but on-street parking for the thousands of additional vehicles such increased density would entail—or the rezoning of *several times that many* homes in the Lake Claire neighborhood with the concomitant increase of that *many* more thousands of vehicles parking on that neighborhood’s narrow streets.

¹¹ The City appears to justify its inclusion of the major new policies and policy changes in this update by quoting the City Charter provision (Section 3-602) governing Atlanta’s comprehensive development plan—a provision that calls for the inclusion of the City’s development policies. See Draft II at p. 20. But the City fails to acknowledge that the quoted provision *applies to 15-year plans*—which is what the 2016 CDP is—*not* to 5-year updates such as this,

We cannot help but add that *none* of the sweeping new policies or priority changes included in this update are necessary to address the affordable housing objectives or issues of wealth inequality set out in the City’s Housing Initiative—issues that we understand are driving this 2021 CDP update. Indeed, the 2016 CDP has a well-considered Housing plan (*see* 2016 CDP at pp. 39-58), with an exceptional affordable housing strategy that is not only more robust but far more calculated actually to create affordable housing and housing-based wealth than the provisions included in this update. It even includes specific goals for the creation of workplace-oriented affordable along the Beltline. And its economic strategies identify the necessity to invest in education and job training, to create more low-skilled jobs and to direct more growth to low-growth areas of the city—all of which could significantly impact income inequality.¹²

We also cannot help but note that the 2021 CDP update’s shift in development priorities to one of increasing density in stable, well-established neighborhoods throughout the city—neighborhoods where there is already a relatively high percentage of home ownership (and thus of housing-based wealth)—not only cuts against all four of the highest ranked needs identified in the 2016 CDP but is also the strategy *least calculated* to achieve the Housing Initiative’s twin goals of increasing affordable housing and reducing wealth inequality. By and large, the single-family neighborhoods targeted for such density (and where developers would assuredly target such density) do not *need* that growth. And they do not *want* that growth. And they know that when such growth *does* come, it almost invariably results in larger-scale and/or more expensive homes, pushing prices up and legacy residents out, while reducing tree canopy and increasing impervious surfaces in the process—all issues specifically recognized as “highest ranked needs” by the 2016 CDP.

We understand and appreciate that there are indeed some neighborhoods that in fact *do* want growth and that in fact *do* need growth—but it goes without saying that those are not the ones developers would target. Given that, would the aims of the Housing Initiative (as translated into the 2021 CDP update) not be far better

which are governed by a separate City Charter provision (Section 3-603). The latter calls merely for “a recommended generalized land use development pattern to guide the growth of the City over the succeeding five-year period” and related “development goals and objections,” but makes no provision for major policy changes such as those included in the proposed 2021 CDP update.

¹² It is worth noting that Draft II does not in any meaningful way address the City’s affordable housing crisis. Clearly, the first rule of affordable housing is to preserve the affordable housing the City currently has. But there is no a single provision in Draft II that does that—although it is specifically addressed in the 2016 CDP]

served by addressing one of the highest ranked needs identified in the 2016 CDP—creation of policies to encourage and promote growth in areas with slow growth and/or declining population—rather than by spurring growth in areas that neither want it nor need it and where it would do far more harm than good?

Finally, and most importantly, we cannot help but note that allowing the 2021 CDP update to override the 2016 CDP undermines not only the vision, but a number of critical objectives of that 15-year plan:

First, as mentioned several places above, Draft II completely ignores the impact of its priorities on the tree canopy. No one should overlook the fact that it is our tree canopy that provides much of Atlanta’s iconic character, that moderates the flow of water during storms, and that helps keep Atlanta from becoming just another “heat sink.” Were Draft II implemented as proposed, our tree canopy would be irreparably damaged, as would the City.

Second, Draft II completely ignores the impact of its priorities on the flooding many Atlanta neighborhoods already endure. The dramatic increase in density it envisions—especially in single-family neighborhoods near transit—would be a double whammy—would not only greatly increase impervious surfaces and thus the flows of stormwater runoff, but also significantly reduce the tree canopy that helps stem that flow. One associated risk that cannot be overlooked is that if flooding worsens, the City may be required to purchase the damaged properties on the north side of Atlanta, just as it has elsewhere.

Third, Draft II equally ignores the City’s infamous traffic congestion. Its implied expectation that improved transportation will magically appear to support the intended development is fantastical—and disproven by the growth of the transportation problems all over the City over the last 15 years. Growth without a credible solution for the increased transportation demands will diminish the quality of life for all Atlantans.

Last, Draft II ignores education. While education in Atlanta largely is the purview of the Atlanta Public Schools, the wild-west approach to growth in the 2021 CDP update cannot ignore the fact that Atlanta’s schools are FULL. Again, the DCP’s quest for greater residential growth is putting the cart before the horse.

While at least the first three of these issues are addressed in the 2016 CDP, we are deeply concerned that the DCP’s intent is to proceed with growth in our city’s residential neighborhoods without regard to the ancillary consequences. Not

only would it irreparably damage our city, it is a great way to convince businesses considering relocation or expansion in Atlanta to select Birmingham, Charlotte, Nashville or Chattanooga instead.

IV. Conclusion

Given the City's repeated misleading statements regarding the nature of the 2021 CPD update, not to mention the fact that it does not in fact conform to the Atlanta City Design, that it is overwhelmingly confusing and unnecessary, and that it significantly undermines current comprehensive development objectives, we respectfully request that the 2021 CDP update be confined to the legally required and customarily included provisions—a requirement we understand would be met with the submission of Appendices I and III that currently accompany Draft II of the 2021 update.

Sincerely yours,



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