

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL OF OCTOBER 5, 2015

6:00 P.M. Work Session

- Discussion of Agenda Items

I. Call to Order – 7:00 p.m. – Mayor David Lockhart

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Minutes

1. Work Session of Mayor and Council of August 3, 2015
2. Regular Meeting of Mayor and Council August 3, 2015
3. Special Called Meeting of Mayor and Council of August 6, 2015
4. Work Session of Mayor and Council of August 17, 2015
5. Regular Meeting of Mayor and Council of August 17, 2015
6. Work Session of Mayor and Council of September 8, 2015
7. Special Called Meeting of Mayor and Council of September 8, 2015
8. Regular Meeting of Mayor and Council of September 8, 2015
9. Work Session of Mayor and Council of September 21, 2015
10. Special Called Meeting of Mayor & Council of September 21, 2015
11. Regular Meeting of Mayor and Council of September 21, 2015
12. Special Called Meeting of Mayor & Council of September 29, 2015

VI. Comment Period

VII. Recess for a Public Hearing

VIII. Open Public Hearing to receive comments on the Ordinance to amend Title 4, Police and Fire Services of the Code of Ordinances of the City by repealing prohibitions against the use and sale of fireworks; to amend Title 8 Planning and Development, Chapter 8, Zoning, by creating definitions regarding fireworks; to amend the permitted uses in the light industrial and Gillem zoning district; to prohibit the manufacture of explosives and fireworks

IX. Close Public Hearing and Reconvene Meeting

X. Agenda Items

1. Consider Ordinance by the Governing Body of the City of Forest Park, Georgia establishing the Budgets for Special Revenue Funds for the Fiscal Year 2015-2016
2. Consider an Ordinance to Amend Title 4, Police and Fire Services of the Code of Ordinances of the City of Forest Park, Georgia by repealing prohibitions against the use and sale of fireworks; to amend Title 8, Planning and Development, Chapter 8, Zoning, by creating definitions regarding fireworks; to amend the permitted uses in the light industrial and Gillem zoning districts; to prohibit the manufacture of explosives and fireworks; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes
3. Consider an Ordinance to amend Chapter 2 (Solid Waste) of Title 5, (Public Works) of the Code of Ordinances, City of Forest Park, Georgia; to amend the Definitions, a Provision regarding preparation and storage of residential refuse for Collection, and a provision regarding container and compactor services; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an adoption date; to provide an effective date; and for other purposes allowed by law
4. Consider a Resolution of the City of Forest Park finding Comcast in Default of Cable Television Franchise Agreement for failure to remit franchise fees in accordance with Cable Television Franchise Agreement and discuss pending settlement negotiations and authorization for Mayor to execute Settlement Agreement after approval by City Attorney
5. Discussion of Ethics Board vacancies
6. Discussion of Ordinance prohibiting Used Car Sales in the C-3 (Institutional Commercial) District
7. Discussion of Managerial Assessment

XI. Legal Matters

XII. Comments by Governing Body

XIII. Adjournment

MINUTES

WORK SESSION OF MAYOR ANDA COUNCIL OF AUGUST 3, 2015

- Call to Order: The Work Session of Mayor and Council of August 3, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.
- Present: Mayor David Lockhart and Councilmembers Dabouze Antoine, Linda Lord, Tommy Smith, Latresa Akins and Maudie McCord.
- Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Director of Support Services Christine Terrell, Management Analyst Angela Redding, Chief Eddie Buckholts, Major Jamie Reynolds and City Attorney Winston Denmark.
- Agenda: *City Manager Position:* Mayor Lockhart explained that Mr. Brandon's contract will expire on August 6th and our charter provides for the City to have a City Manager position.
- Ms. Lord stated we have a number of things going now, an election coming up in the fall and the Council could change. She suggested this be put off until the new year.
- Settlement Agreement with Vision Outdoor Media:* Mayor Lockhart stated since we are in settlement negotiations with the plaintiff, the City Attorney has suggested to protect the interests of the people of Forest Park, that this be considered in Executive Session.
- Mr. Smith made a motion to enter into Executive Session to discuss pending litigation, seconded by Ms. Lord. Voting for the motion was unanimous.

The Governing Body entered into Executive Session.

Mr. Smith made a motion to reconvene the Work Session, seconded by Ms. Lord. Voting for the motion was unanimous.

Adjournment:

Ms. Akins made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF AUGUST 3, 2015

- Call to Order: The Regular Meeting of Mayor and Council of August 3, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.
- Invocation: The invocation was given by Mr. Willie Finch followed by the Pledge of Allegiance to the American Flag.
- Roll Call: Mayor David Lockhart and Councilmembers Dabouze Antoine, Linda Lord, Tommy Smith, Latresa Akins and Maudie McCord.
- Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Director of Support Services Christine Terrell, Management Analyst Angela Redding, Chief Eddie Buckholts, Major Jamie Reynolds and City Attorney Winston Denmark.
- Approval of Minutes: Ms. Akins made a motion to approve the minutes of the Work Session and Regular Meeting of July 20, 2015, seconded by Mr. Smith. Voting for the motion was unanimous.
- Comment Period: Ms. Pamela Lake – stated she had a concern about the Ethics Board and their meeting schedule. She stated the Chairperson is not appropriately scheduling meetings so that all of the community that wishes to come can come and take part and know whats going on. She also stated board members are also excluded.
- Bruce Robinson - thanked Ms. Lord for her help Saturday during their School Supply give away.
- Maureen Scott – addressed the Council concerning the property at the end of Stillwood Cove and North Avenue. She stated it was sold to ARKO Company, previously owned by the City. She stated neither one of these owners took measures to kill mosquitoes. She

said the property is overgrown and mosquito infested. She stated also the tire company in this area cannot store tires outside without mosquitoes breeding. She stated, when Arko bought this land, he promised to make this eyesore disappear. She stated the trees promised to knock out the noise and smell have not been addressed. She stated the house at 4747 Stillwood Cove is vacant and a tree has fallen on the house. She said this is an eyesore also and should be taken care of. She asked Council to please do something.

Presentation: Mr. Jeff Eady and Mayor Lockhart presented Mr. Albert Rose, a retired employee of 17 years, a watch from the City.

Presentation: Ms. Edie Yongue of Keep Forest Park Beautiful presented Commercial Technique on Astor Avenue with the Business Beautification Award and presented Ben and Elaine Lawrence with the Residential Beautification Award.

Resolution: Request was made to consider a Resolution of the Mayor and Council of the City of Forest Park, Georgia, designating the dates for qualifying as candidates for the 2015 Municipal Election.

Ms. Lord made a motion to approve the Resolution, seconded by Mr. Smith. Voting for the motion was unanimous.

Resolution - Request was made to consider a Resolution by the City Council declaring certain city property, listed on Exhibit A, to be surplus property and to provide for its proper disposal either by auction or other methods pursuant to the City's Ordinances; and for other purposes.

Mr. Antoine made a motion to approve the Resolution, seconded by Ms. Akins. Voting for the motion was unanimous.

City Manager Position: Mayor Lockhart stated the contract for the City Manager is scheduled to expire on August 6th.

Mr. Smith made a motion to permit the Mayor to execute a contract with Mr. Brandon for the position for two years, seconded by Ms. Lord. Voting for the motion were Ms. Lord and Mr. Smith. Voting against the motion were Ms. Akins, Ms. McCord and Mr. Antoine. The motion failed.

Ms. Akins made a motion to appoint Ms. Angela Redding as the Interim City Manager, effective immediately, seconded by Ms. McCord.

Mayor Lockhart stated recognizing that we have a City Manager under contract, we can't have an interim until there is a lapse.

Ms. Akins made a motion to appoint Ms. Angela Redding as the Interim City Manager effective August 7, 2015, seconded by Ms. McCord.

Voting for the motion were Ms. Akins, Mr. Antoine and Ms. McCord. Voting against the motion were Mr. Smith and Ms. Lord. The motion carried.

Mr. Antoine made a motion that the interim City Manager serve on all Boards and appointments whereby the City Manager is currently sitting.

Mayor Lockhart stated without knowing the qualifications for the board members and terms of the boards on which Mr. Brandon currently sits, he does not know if that is immediately possible. He stated he does not know if any of his board appointments are in ex-officio capacity in which case she would already take them, or if he is appointed as Mr. Brandon as opposed to the City Manager. If so, he would have to be removed from those boards first.

Mr. Antoine withdrew his motion.

Settlement
Agreement:

Request was made to consider a settlement agreement in the Vision Outdoor Media v. Forest Park et al., Case No. 1:14 cv-02620-ODE.

Mayor Lockhart stated this settlement agreement was discussed in the Executive Session.

Ms. Lord made a motion to permit the Mayor to execute this settlement agreement on behalf of the City, seconded by Ms. McCord. Voting for the motion was unanimous.

Adjournment:

Mr. Smith made a motion to adjourn, seconded by Ms. Lord. Voting for the motion was unanimous.

M I N U T E S

SPECIAL CALLED MEETING OF AUGUST 6, 2015

Call to Order: The Special Called Meeting of August 6, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

Roll Call: Present were: Mayor David Lockhart and Councilmembers Tommy Smith and Linda Lord.

Due to the lack of a quorum, no meeting was held.

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF AUGUST 17, 2015

Call to Order: The Work Session of Mayor and Council of August 17, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Linda Lord, Tommy Smith and Maudie McCord.

Also present were Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Chief Eddie Buckholts, Chief Dwayne Hobbs, Director of Support Services Christine Terrell, Management Analyst Angela Redding and City Attorney Kiran Mirza.

Agenda: Mayor Lockhart explained there is no agenda due to the fact the agenda is to be prepared by the City Manager and the City does not have a manager.

Mayor Lockhart stated the City accepted bids to complete the gazebo at the park across from the new community center. The bid was awarded and we now have an order acknowledgement form from the winner of the bid, Superior Litchfield, and asked this matter be added to the agenda for discussion.

Ms. Lord made a motion to add to the agenda, discussion of the award of bid for the gazebo, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion was Ms. McCord. The motion failed.

Ms. Lord made a motion to add to the agenda, discussion of a City Manager, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion was Ms. McCord. The motion failed.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF AUGUST 17, 2015

Call to Order: The Regular Meeting of Mayor and Council of August 17, 2015 was called to order by Mayor David Lockhart at 7:10 p.m.

Invocation: The invocation was given by Mr. Glenn Barnett followed by the Pledge of Allegiance to the American Flag.

Roll Call: Mayor David Lockhart and Councilmembers Linda Lord, Tommy Smith, Latresa Akins, Dabouze Antoine and Maudie McCord.

Also present were Director of Finance Mike Blandenburg, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Chief Eddie Buckholts, Chief Dwayne Hobbs, Director of Support Services Christine Terrell, Management Analyst Angela Redding and City Attorney Kiran Mirsa.

Mayor Lockhart asked the Council to accept the sign up book for comments.

Ms. Lord made a motion to accept the sign up book for comments, seconded by Mr. Smith. Voting for the motion were Mr. Smith, Ms. Lord, Mr. Dabouze and Ms. McCord. Voting against the motion was Ms. Akins. The motion carried.

Comments: Lawanda Folomi – stated we must put aside our personal politics and find some kind of unity to carry this city to the destiny we want to go. We should get on one accord so our city does not fall short.

Jasmine Hulio – stated there are a lot of issues with mosquitoes and the Department of Health has additional information to offer.

Jason Gray – stated the Mayor said he would make changes and he doesn't see any changes. When the Council makes a majority vote, it is vetoed.

Willie Finch – thanked everyone for Forest Park Day held Saturday. He referenced a flyer that was being given out and expressed concern about information on it.

Carol Williams – stated her street is full of pot holes and asked that the City resurface Skyland Drive and not just patch it.

Miriam White – stated she finds the City Manager being absent a real issue and asked if there is anything that can be done.

Agenda:

Mayor Lockhart stated bids were received for the gazebo across from the community center and that job was awarded to Superior Recreational Products. They have sent the order acknowledgement form and the City is now obligated since we have accepted their bid. He asked for a motion to put it on the table for discussion.

Ms. Lord made to put this on the table for discussion, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Akins. Voting against the motion were Ms. Akins and Mr. Antoine. Mayor Lockhart voted in favor of the motion to break the tie. The motion carried.

Mayor Lockhart stated the City awarded the bid for a gazebo to Superior and the contract has been awarded to them. Mr. Eady stated this is the low bidder, plans have been drawn, and this is the order form to move to the next step.

Mr. Antoine asked the City Attorney if there is a silent vote, is that considered a yes or no vote. Ms. Mizra stated she would need to check the charter rules about silent vote.

Mayor Lockhart stated the request from the Director of Public Works is that Council authorize the Mayor to execute the order approval form.

Ms. Lord made a motion to authorize the Mayor to execute the order approval form, seconded by Mr. Smith.

Ms. Mizra referred to Sec. 2.13 of the Code. It says the City Manager shall arrange a list of matters according to the order of business for the agenda and shall furnish each

member of the governing body a copy of the same at least 96 hours to the meeting. She stated a lot of what is in the charter and code does not specify how to handle matters when there is no City Manager. So she said she could not direct council definitively whether or not it is proper to make a motion or action. She said the code expresses an intent that every councilmember have 96 hours notice to consider something placed on the agenda.

Mayor Lockhart stated it is routine for matters to be added to the agenda during the meeting so there are less than 96 hours.

Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine, Ms. McCord and Ms. Akins. The motion failed.

Mr. Antoine made a motion that Governors Drive entrance gets paved, seconded by Ms. Akins.

Mr. Antoine asked Mr. Eady if the entrance to Governors Drive from Forest Parkway to Governors Drive is private property or public property. Mr. Eady stated it is public property down to a point and then turns into private property. Mr. Antoine stated that is the portion he would like paved.

Mr. Eady stated it is a city street and would be the city's responsibility to pave that section that belongs to the taxpayers.

Ms. Akins asked since we don't have a City Manager and would like something done in our Ward, don't we let the council decide. Ms. Mizra stated the way the charter is written, states the City council and Mayor shall designate a city administrative officer in the absence of the City Manager. She stated the charter and the code does not offer a workable solution absent having a City Manager.

Voting for the motion was unanimous.

Ms. Lord made a motion to add to the agenda discussion that if he is willing that Chief Hobbs act as Interim City Manager so we can get things done, and then advertise for a City Manager to fill the slot, seconded by Mr. Smith. Voting

for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine, Ms. McCord and Ms. Akins.

Ms. Lord made a motion that we have closing comments added to the agenda, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine and Ms. Akins. Mayor Lockhart voted in favor of the motion to break the tie. The motion carried.

Ms. Lord stated she will not be seeking re-election.

Adjournment: Mr. Smith made a motion to adjourn, seconded by Ms. Lord. Voting for the motion was unanimous.

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF SEPTEMBER 8, 2015

Public Hearing: Mayor Lockhart opened a Public Hearing to discuss the millage rate for 2015.

Mr. Blandenburg stated we are required to make public the proposed millage rate for the year. He stated the 5 year history has been published in the paper and the millage rate will remain the same.

Mayor Lockhart asked if anyone would like to speak concerning the millage rate. No one spoke.

Ms. Lord made a motion to adjourn the public hearing, seconded by Ms. McCord. Voting for the motion was unanimous.

Call to Order: Mayor Lockhart called the Work Session to order at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Latresa Akins, Dabouze Antoine, Linda Lord and Maudie McCord.

Also present were Finance Director Mike Blandenburg, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Director of Public Works Jeff Eady, Management Analyst Angela Redding, Major Jamie Reynolds and City Attorney Winston Denmark.

Mayor Lockhart stated he called a Special Meeting at 6:59 p.m. in order to have an agenda and take care of matters pending.

Ms. Lord made a motion that we discuss items listed on the Special Called Meeting agenda, seconded by Ms. Akins. Voting for the motion was unanimous.

Agenda items: *Ordinance by the City Council of the City of Forest Park to establish the final Ad Valorem Tax Millage Rate for the City of Forest Park, Georgia; to provide for severability; and for other*

purposes - Mayor Lockhart stated this Ordinance sets the millage rate as the same as last year.

Adjournment: Ms. Akins made a motion to adjourn, seconded by Ms. Lord. Voting for the motion was unanimous.

MINUTES

SPECIAL CALLED MEETING OF MAYOR & COUNCIL OF SEPTEMBER 8, 2015

- Call to Order: The Special Called Meeting of Mayor and Council of September 8, 2015 was called to order by Mayor David Lockhart at 6:59 p.m.
- Roll Call: Present were: Mayor David Lockhart and Councilmembers Latresa Akins, Dabouze Antoine, Linda Lord, Tommy Smith and Maudie McCord.
- Also present were Finance Director Mike Blandenburg, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Major Jamie Reynolds, Deputy Director of Recreation and Leisure Services Sharon Smith, Management Analyst Angela Redding and City Attorney Winston Denmark.
- Proclamation: A proclamation was presented to Chief Eddie Buckholts on behalf of the Muscular Dystrophy Association expressing their gratitude for their contributions made by the Forest Park Fire Department to their association.
- New Alcohol License: Request was made to consider a new on-premises consumption alcohol license for liquor, beer and wine from First Class Ultra Lounge, 4095 Jonesboro Road, Suite K, no exceptions noted.
- Ms. Lord made a motion to approve the new alcohol license for First Class Ultra Lounge, seconded by Ms. McCord. Voting for the motion was unanimous.
- Resolution: Request was made to consider a Resolution by the City Council of the City of Forest Park authorizing the Mayor to execute a License Agreement with Henry County Schools for the use of Forest Park Indoor Pool for the dates specified: October 20, 2015 through February 4, 2016, to conduct swim practices for their swim program; to provide for severability; to provide an effective date; and for other purposes.

Mr. Smith made a motion to approve the Resolution, seconded by Mr. Antoine. Voting for the motion was unanimous.

Ordinance: Request was made to consider an Ordinance by the City Council of the City of Forest Park to establish the final Ad Valorem Tax Millage Rate for the City of Forest Park, Georgia; to provide for severability; and for other purposes.

Mr. Antoine made a motion to approve the Ordinance, seconded by Ms. McCord. Voting for the motion was unanimous.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Ms. McCord. Voting for the motion was unanimous.

MINUTES

REGULAR MEETING OF MAYOR & COUNCIL OF SEPTEMBER 8, 2015

Call to Order: The Regular Meeting of Mayor and Council of September 8, 2015 was called to order by Mayor David Lockhart at 7:10 p.m.

Present: Present were: Mayor David Lockhart and Councilmembers Latresa Akins, Dabouze Antoine, Linda Lord, Tommy Smith and Maudie McCord.

Also present were Finance Director Mike Blandenburg, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Director of Public Works Jeff Eady, Director of Planning and Zoning Al Wiggins, Major Jamie Reynolds, Deputy Director of Recreation and Leisure Services Sharon Smith, Management Analyst Angela Redding and City Attorney Winston Denmark.

Ms. Lord made a motion to add the comment period to the agenda, seconded by Mr. Smith. Voting for the motion was unanimous.

Comment Period: Ms. Felicia Davis – asked what the criteria was for the Mayor exercising his veto power with regard to the majority of city council voting on any particular thing, what the plan was for an interim City Manager, and questioned the leadership at the Senior Center since that position has been absent.

Adjournment: Ms. Akins made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF SEPTEMBER 21, 2015

Call to Order: The Work Session of Mayor and Council of September 21, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor David Lockhart and Councilmembers Latresa Akins, Tommy Smith, Maudie McCord, Linda Lord and Dabouze Antoine.

Also present were Finance Director Mike Blandenburg, Director of Public Works Jeff Eady, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Major Jamie Reynolds, Management Analyst Angela Redding and City Attorney Destiny Washington.

Agenda Items: Ms. Lord made a motion to discuss the items that are being considered on the Special Called Meeting, seconded by Mr. Smith. Voting for the motion was unanimous.

Ordinance establishing the Budgets for Special Revenue Funds: Mr. Blandenburg stated he is presenting the budgets for the Special Revenue Funds which include grants, E911 funds, and other smaller funds.

Shelter Order Acknowledgement Form: Mayor Lockhart stated this is related to the contract council approved for a gazebo in the park across from the new community center. He stated we have entered into a contract with the construction company but they provided the draft plans and the city needs to acknowledge this is what we want before it is built.

Mayor Lockhart stated we normally would not see these acknowledgement forms because this is something the City Manager would normally do.

Mr. Eady stated we issued a bid, received bids and awarded the contract, the company designed the gazebo per our specifications, the engineer drawings have been submitted to Planning and Zoning and approved. It is simply now a matter of signing the order form.

Comcast Franchise Agreement: Mayor Lockhart stated presently the City has property rights and Comcast has entered into a franchise agreement with the City. He stated the last franchise agreement the City had with Comcast was decades old. The problem arose when an audit was done as recommended by Georgia Municipal Association. The audit showed Comcast owed the City some \$24,000. Comcast acknowledged this, but only with particular releases and particular language, which works to the detriment of Forest Park. He stated our attorneys asked this Resolution be included on the agenda declaring them in default and authorizing them to proceed with a lawsuit. Since, they asked for this to be included, there has been some real efforts and movement toward settlement. He stated we should authorize them to file suit but also if we get an agreement our attorneys approve, to execute and then require them to pay the \$24,581.31 and accept that as well.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

SPECIAL CALLED OF MAYOR AND COUNCIL OF SEPTEMBER 21, 2015

Call to Order: The Special Called Meeting of Mayor and Council of September 21, 2015 was called to order by Mayor David Lockhart at 6:59 p.m.

Roll Call: Mayor David Lockhart and Councilmembers Latresa Akins, Tommy Smith, Maudie McCord, Linda Lord and Dabouze Antoine.

Also present were Finance Director Mike Blandenburg, Director of Public Works Jeff Eady, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Major Jamie Reynolds, Management Analyst Angela Redding, Director of Planning and Zoning Al Wiggins and City Attorney Destiny Washington.

Approval of Minutes: The following minutes were presented for approval:

- Work Session of August 3, 2015
- Regular Meeting of August 3, 2015
- Special Called meeting of August 6, 2015
- Work Session of August 17, 2015
- Regular Meeting of August 17, 2015
- Work Session of September 8, 2015
- Special Called Meeting of September 8, 2015
- Regular Called Meeting of September 8, 2015

Mr. Antoine made a motion to table these minutes, seconded by Ms. Akins. Voting for the motion were Ms. McCord, Mr. Antoine and Ms. Akins. Voting against the motion were Mr. Smith and Ms. Lord. The motion carried.

Keisha Waites: State Representative Keisha Waites was present to recognize Mayor Lockhart for the outstanding job he does in Forest Park and improvements we have seen. On behalf of the Georgia House of Representatives, the members of the Senate and our Governor, she presented Mayor Lockhart with a plaque as an "Outstanding Georgian" for his contribution to Forest Park and the State of Georgia.

Ordinance -

Request was made to consider an Ordinance by the Governing Body of the City of Forest Park establishing the Budgets for Special Revenue Funds for the Fiscal Year 2015-2016.

Mr. Antoine made a motion that we table every item until the next meeting, seconded by Ms. McCord.

Mayor Lockhart stated this is a Special Called Meeting by the Mayor and since it is an agenda he has prepared, he ruled the motion to table this matter out of order.

Mr. Antoine asked the attorney if he can table the items on the agenda. She stated yes.

Mayor Lockhart ruled the motion out of order because these are not Council agenda items, these are the Mayor's agenda items that have been included with the call of the Special Meeting.

Ms. Akins stated regardless of who called the meeting, the council has to vote on every item regardless of who puts an item on there, and that is something that the council can do and we can make a motion to table something and asked if that is out of order. The attorney said no that is not out of order.

Ms. Akins made a motion to table this item until the regular meeting.

Mayor Lockhart stated it is not on the regular agenda and ruled the motion out of order.

Ms. Lord made a motion to adopt the Ordinance, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine, Ms. McCord and Ms. Akins. The motion failed.

Mr. Antoine made a motion to amend the agenda to add the hiring of black spear groups to investigate complaints filed against Mayor David Lockhart.

Mayor Lockhart stated that motion is out of order. Pursuant to the Charter, only matters that are on the agenda may be considered. Ms. Washington stated when there is a Special

Meeting you can only address what is called in the Special Meeting and cannot add any additional items.

Authorization: Request was made to authorize the Mayor to sign the Shelter
Form: Order Acknowledgement Form from Superior Recreational Products Litchfield.

Ms. Lord made a motion to approve the Shelter Order Acknowledgement Form, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Ms. Akins, Ms. McCord and Mr. Antoine. The motion failed.

Comcast: Request was made to consider a Resolution of the City of Forest Park finding Comcast in default of Cable Television Franchise Agreement for failure to remit franchise fees in accordance with Cable Television Franchise Agreement and discuss settlement negotiations and authorization for Mayor to execute Settlement Agreement after approval by City Attorney:

Mayor Lockhart stated that our attorneys have asked that Council consider the resolution that authorizes the finding of Comcast in default and authorizes our attorneys to proceed with suit. He stated since the Attorney has asked for that, there have been settlement conversations, so the recommendation is that we authorize suit but not proceed as long as a settlement agreement is obtained that is suitable to our attorneys.

Ms. Lord made a motion to adopt the Resolution, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine, Ms. Akins and Ms. McCord. The motion failed.

Ms. Lord made a motion to authorize the Mayor to execute a Settlement Agreement, seconded by Mr. Smith. Voting for the motion were Mr. Smith and Ms. Lord. Voting against the motion were Mr. Antoine, Ms. McCord and Ms. Akins. The motion failed.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

REGULAR CALLED OF MAYOR AND COUNCIL OF SEPTEMBER 21, 2015

Call to Order: The Regular Called Meeting of Mayor and Council of September 21, 2015 was called to order by Mayor David Lockhart at 7:15 p.m.

Roll Call: Mayor David Lockhart and Councilmembers Latresa Akins, Tommy Smith, Maudie McCord, Linda Lord and Dabouze Antoine.

Also present were Finance Director Mike Blandenburg, Director of Public Works Jeff Eady, Director of Support Services Christine Terrell, Chief Eddie Buckholts, Major Jamie Reynolds, Management Analyst Angela Redding, Director of Planning and Zoning Al Wiggins and City Attorney Destiny Washington.

Ms. Lord made a motion to allow the public comment period, seconded by Mr. Smith. Voting for the motion was unanimous.

Comment Period: Edith Porter: stated she is being flooded out of her home. She said nothing is being done, and the mess next to her is stopping up her pipes and flooding her yard. She said she has to pay for someone to clean it up and she is tired of paying for others. There is a huge tree next door and the leaves fall in her yard stopping up her pipes.

Keisha Crockett – said thank you to the City and Ms. Redding for going above and beyond to make sure customer appreciation days went very well at Forest Park Plaza.

Jonathan Smith – stated he is a street shepherd and administers in the street daily. He said he has a lot of visitation from the police department and he sees no harm in preaching on the sidewalk. He stated he has been arrested several times and he has a permit to work while using his car. He said ministry is work, 24 hours a day but is not recognized by the Police Department.

Adjournment: Ms. Lord made a motion to adjourn, seconded by Mr. Smith. Voting for the motion was unanimous.

MINUTES

SPECIAL CALLED MEETING OF MAYOR & COUNCIL OF SEPTEMBER 29, 2015

Call to Order: The Special Called Meeting of Mayor and Council of September 28, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.

Roll Call: Present were Mayor David Lockhart and Councilmembers Latresa Akins, Maudie McCord, Tommy Smith, Linda Lord and Dabouze Antoine.

Also present were Finance Director Mike Blandenburg, Director of Support Services Christine Terrell, Director of Planning and Zoning Al Wiggins, Management Analyst Angela Redding and City Attorney Winston Denmark.

Agenda: Mayor Lockhart stated the purpose of the meeting was to consider Director of Planning and Zoning Al Wiggins, as interim City Manager and consider a 10% wage stipend in consideration of the additional duties.

Ms. Akins made a motion to appoint Al Wiggins as Interim City Manager with a 10% wage stipend for additional duties, seconded by Ms. Lord. Voting for the motion was unanimous.

Adjournment: Ms. Akins made a motion to adjourn, seconded by Ms. Lord. Voting for the motion was unanimous.

ORDINANCE NO. _____

**AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF
FOREST PARK, GEORGIA ESTABLISHING THE BUDGETS FOR
SPECIAL REVENUE FUNDS FOR THE FISCAL YEAR 2015-2016.**

BE IT ORDAINED by the Governing Body of the City of Forest Park that the total of \$1,401,092 is the estimated revenues and expenditures for Special Revenue Funds for the fiscal year 2015-2016, as itemized on Exhibit A attached hereto and incorporated herein by reference.

PASSED AND ADOPTED THIS THE _____ DAY OF SEPTEMBER, 2015.

David Lockhart, Mayor

Tommy Smith, Councilmember
Ward One

Dabouze Antoine, Councilmember
Ward Two

Maudie McCord, Councilmember
Ward Three

Latresa Akins, Councilmember
Ward Four

Linda Lord, Councilmember
Ward Five

ATTEST:

City Clerk

Approved as to form:

City Attorney

EXHIBIT A**CITY OF FOREST PARK
SPECIAL REVENUE FUNDS - BUDGETS
FISCAL YEAR 2015 - 2016**

ACCOUNT #	<u>SPECIAL REVENUE FUND NAME</u>	2015-2016 BUDGET AMOUNT
	<u>REVENUES</u>	
211-00-0000-35-1320	LOCAL DRUG TASK FORCE	\$ 50,000
215-00-0000-13-4200	EMERGENCY TELEPHONE SYSTEM FUND BALANCE	60,000
215-00-0000-34-2500	EMERGENCY TELEPHONE SYSTEM FUND (E911) FEES	315,000
250-00-0000-33-1115	EDWARD BYRNE GRANT 2015	11,856
250-00-0000-33-1131	2013 CDBG - WEST STREET - PHASE I	99,977
250-00-0000-33-1132	2014 CDBG - NEIGHBORHOOD STABILIZATION OFFICER	34,946
250-00-0000-33-4109	EMERGENCY MANAGEMENT AGENCY GRANT	15,490
250-00-0000-33-4111	HAZMAT SUSTAINABILITY	19,156
250-00-0000-33-4116	GEORGIA ASSOCIATION OF EMS	13,177
251-00-0000-33-1139	FORT GILLEM REDEVELOPMENT PHASE X - GRANT	606,057
251-00-0000-33-1140	FORT GILLEM REDEVELOPMENT PHASE X - CITY MATCH	70,433
270-00-0000-33-1101	TAX ALLOCATION DISTRICT #1	50,000
275-00-0000-31-4100	HOTEL / MOTEL TAXES FUND	<u>55,000</u>
	TOTAL REVENUES	<u>\$ 1,401,092</u>

EXHIBIT A

**CITY OF FOREST PARK
SPECIAL REVENUE FUNDS - BUDGETS
FISCAL YEAR 2015 - 2016**

ACCOUNT #	<u>SPECIAL REVENUE FUND NAME</u>	2015-2016 BUDGET AMOUNT
	<u>EXPENDITURES</u>	
211-31-3210-53-1105	LOCAL DRUG TASK FORCE - SUPPLIES	\$ 50,000
215-32-3802-51-1101	E911 FUND - PERSONNEL COSTS	90,445
215-32-3802-52-1101	E911 FUND - SERVICE SUPPLIER FEES	80,000
215-32-3802-52-1301	SYSTEM MAINTENANCE CONTRACT	60,000
215-32-3802-54-2502	E911 FUND - CAPITAL OUTLAY	50,000
215-32-3801-58-1200	PRINCIPAL - LOAN - RADIO SYSTEM	80,000
215-32-3801-58-2200	INTEREST - LOAN - RADIO SYSTEM	14,555
250-21-7550-54-1425	2013 CDBG - WEST STREET - PHASE I	99,977
250-21-7550-54-1426	2014 CDBG - NEIGHBORHOOD STABILIZATION OFFICER	34,946
250-31-3340-54-2507	EDWARD BYRNE GRANT 2015	11,856
250-60-3620-53-2301	EMS TRAUMA EQUIPMENT	13,177
250-61-3520-54-2300	HAZMAT EQUIPMENT GRANT	19,156
250-62-3920-53-1104	PARTNERSHIP PROGRAM	15,490
251-24-1320-51-1103	FORT GILLEM PHASE X - SALARIES	123,606
251-24-1120-52-1106	FORT GILLEM PHASE X - FACILITIES MANAGER	31,200
251-24-7321-52-3911	FORT GILLEM PHASE X - EXPENDITURES	521,684
270-20-7540-52-1100	TAX ALLOCATION DISTRICT #1	50,000
275-20-7540-52-1100	HOTEL / MOTEL TAXES FUND	<u>55,000</u>
	TOTAL EXPENDITURES	<u>\$ 1,401,092</u>

STATE OF GEORGIA

CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 4, POLICE AND FIRE SERVICES OF THE CODE OF ORDINANCES OF THE CITY OF FOREST PARK, GEORGIA BY REPEALING PROHIBITIONS AGAINST THE USE AND SALE OF FIREWORKS; TO AMEND TITLE 8, PLANNING AND DEVELOPMENT, CHAPTER 8, ZONING, BY CREATING DEFINITIONS REGARDING FIREWORKS; TO AMEND THE PERMITTED USES IN THE LIGHT INDUSTRIAL AND GILLEM ZONING DISTRICTS; TO PROHIBIT THE MANUFACTURE OF EXPLOSIVES AND FIREWORKS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, been in review of the City's zoning ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as

clean, well balanced as well as carefully patrolled.” Kelo v. City of New London, 545 U.S. 469 (2005); Berman v. Parker, 348 U.S. 26 (1954). It is also the opinion of the City that “general welfare” includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, on May 5, 2015, the Governor of the State of Georgia signed into law, House Bill 110, which became effective on July 1, 2015, amending applicable Chapters of the Georgia Code relating to the regulation of fireworks and consumer fireworks and the role of local governments in regulating and prohibiting the sale and use of consumer fireworks; and

WHEREAS, the City’s Code of Ordinances currently contains provisions regarding the sale and use of fireworks and consumer fireworks that are in conflict with House Bill 110; and

WHEREAS, House Bill 110, contains provisions regarding the sale of consumer fireworks in Consumer Fireworks Retail Sales Facilities (“Facilities”) and Consumer Fireworks Retail Sales Stands (“Stands”); and

WHEREAS, the City must determine, pursuant to its powers to zone businesses within its city limits, the most appropriate locations in which such Facilities and Stands can exist; and

WHEREAS, currently, the City’s zoning ordinance contains no provisions regarding the location of such Facilities and Stands within city limits; and

WHEREAS, the Mayor and Council find it desirable and in the interest of the health, safety, and welfare of the citizens of the City to amend certain provisions of the City’s Code of Ordinances to comply with changes in state law.

BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF FOREST PARK, GEORGIA, and by the authority thereof:

Section 1. That Section 4-2-50, Fireworks Prohibited, of Title 4, Police and Fire Services, Chapter 2, Fire Prevention and Protection, Article B, Fire Prevention Code and Safety Standards, of the Code of Ordinances of the City of Forest Park, Georgia ("City Code"), is hereby repealed in its entirety and the following text is inserted to read as follows:

"Sec. 4-2-50. - Reserved."

Section 2. That Section 8-8-2, Interpretations and Definitions, of Title 8, Planning and Development, Chapter 8, Zoning, Article A, General Provisions, of the City Code, is hereby amended by inserting the following text as Subsections 17a through 17f, to read as follows:

(17a) Fireworks. Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The definition of Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

(17b) Fireworks, Consumer. Any small Fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The definition of Consumer Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

(17c) Consumer Fireworks Retail Sales Facility. A permanent or temporary building or structure, Consumer Fireworks Retail Sales Stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of Consumer Fireworks to the public. The definition of Consumer Fireworks Retail Sales Facility shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

(17d) Consumer Fireworks Retail Sales Stand. A permanent or temporary building or structure that has a floor area of not greater than 800 ft² (74m²), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of Consumer Fireworks to the public. The definition of Consumer Fireworks Retail Sales Stand shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

(17e) Explosives. Any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by

fire, by friction, by concussion, by percussion, or by detonator may produce an explosion capable of causing injury to persons or damage to property.

(17f) NFPA 1124. National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.”

Section 3. That Sections 8-8-40 through 8-8-49, Reserved, of Title 8, Planning and Development, Chapter 8, Zoning, Article D, Provisions Applicable to All Districts, of the City Code, is hereby amended by striking through the existing text and inserting the following text, to read as follows:

“Sec. 8-8-40. – Manufacture of Explosives and Fireworks prohibited.

The manufacture of Explosives, Consumer Fireworks, and Fireworks is prohibited in all Districts.

Secs. 8-8-41 – 8-8-49. Reserved.”

Section 4. That Subsection (a)(14) of Section 8-8-59, Light Industrial District, of Title 8, Planning and Development, Chapter 8, Zoning, Article D, Permitted Uses by Districts and Regulations Applicable Therein, of the City Code, is hereby amended by striking through the existing text and inserting the following text, to read as follows:

“(14) Reserved.”

Section 5. That Subsection (c) of Section 8-8-65, Gillem Zoning District, of Title 8, Planning and Development, Chapter 8, Zoning, Article D, Permitted Uses by Districts and Regulations Applicable Therein, of the City Code, is hereby amended by inserting the following text as subsections (10a) and (10b), to read as follows:

“(10a) Consumer Fireworks Retail Sales Facility;
(10b) Consumer Fireworks Retail Sales Stand;”

Section 6. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 7.

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or

phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. Penalties in effect for violations of the Zoning Ordinance of the City of Forest Park at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 10. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this ____ day of _____, 2015.

CITY OF FOREST PARK, GEORGIA

DAVID LOCKHART, Mayor

Tommy Smith, Councilman Ward 1

Dabouze Antoine, Councilman Ward 2

Maudie McCord, Councilwoman Ward 3

Latresa Akins, Mayor Pro-tem, Ward 4

Linda Lord, Councilwoman Ward 5

ATTEST:

MIKE BLANDENBURG, City Clerk

APPROVED AS TO FORM:

City Attorney

**CITY OF FOREST PARK
STATE OF GEORGIA**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2 (SOLID WASTE) OF TITLE 5, (PUBLIC WORKS) OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA; TO AMEND THE DEFINITIONS, A PROVISION REGARDING PREPARATION AND STORAGE OF RESIDENTIAL REFUSE FOR COLLECTION, AND A PROVISION REGARDING CONTAINER AND COMPACTOR SERVICES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Forest Park, Georgia (hereinafter, the "City") is the Mayor and Council thereof; and

WHEREAS, Section 1.13(33) of the City's Charter authorizes the Mayor and Council to exercise the power of solid waste management services; and

WHEREAS, the Mayor and Council have previously exercised said power by enacting the Forest Park Sanitation Ordinance of 1971 (hereinafter, "the Sanitation Code"), which is codified at Chapter 2 (Solid Waste) of Title 5 (Public Works) of the Code of Ordinances of the City; and

WHEREAS, the Mayor and Council desire to amend certain provisions in the Sanitation Code; and

WHEREAS, the Mayor and Council find that the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, be it ordained by the Governing Body of the City of Forest Park, Georgia:

Section 1. That Chapter 2, Title 5 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text of Subsection (1) of Section 5-2-2 in its entirety and inserting the following text in lieu thereof:

"(1) *Approved receptacle.* The approved receptacle is a ninety-five-gallon cart capable of being emptied by mechanical means. All garbage in the cart shall be in plastic bags so that loose garbage is in the approved receptacle. The approved receptacle will be furnished by the city and issued by the department of public works or the city's designee."

Section 2. That Chapter 2, Title 5 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in Subsection (a) of Section 5-2-8 in its entirety and inserting the following text in lieu thereof:

“(a) Garbage shall be stored in an approved receptacle. Each household may be issued two (2) approved containers which shall remain the property of the city or its designee. Each household may choose to be issued two (2) approved receptacles for the collection of refuse or, alternatively, may choose to be issued one (1) approved receptacle for the collection of garbage and one (1) approved receptacle for the collection of recycling materials. Customer is responsible for maintaining in good condition each approved receptacle issued to him. Customer is solely responsible for the replacement of any approved receptacle that occurs within five (5) years following the issuance of that receptacle. Customer is responsible at a prorated cost for the replacement of any approved receptacle that occurs more than five (5) years, but less than ten (10) years, following the issuance of that receptacle. Any customer who has been issued any approved receptacle, subsequently moves outside the city’s limits, and takes the approved receptacle with him may be prosecuted for theft by the city or its designee.”

Section 3. That Chapter 2, Title 5 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in Subsection (a) of Section 5-2-11 in its entirety and inserting the following text in lieu thereof:

“(a) The city or its designee shall be the exclusive provider of all roll-off container and compactor services within the limits of the city. This subsection shall not apply to the following:

- (1) a “special needs” roll-off container service or compactor service as determined and permitted by the director of public works under the terms and the conditions set forth in this section;
- (2) a roll-off container service that consists entirely and exclusively of recycling materials in lieu of otherwise disposing of them, or an open top container; or
- (3) an open-top container, such as those used by residential contractors, roofers, and construction or renovation companies, used in conjunction with a residential construction project.”

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 8. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2015

CITY OF FOREST PARK, GEORGIA

DAVID LOCKHART, MAYOR

TOMMY SMITH
COUNCILMEMBER, WARD ONE

DABOUZE ANTOINE
COUNCILMEMBER, WARD TWO

MAUDIE MCCORD,
COUNCILMEMBER, WARD THREE

LATRESA AKINS, MAYOR PRO-TEM
WARD FOUR

LINDA LORD,
COUNCILMEMBER, WARD FIVE

ATTEST:

(THE SEAL OF THE CITY OF
FOREST PARK, GEORGIA)

City Clerk

Approved as to form:

City Attorney

APPROVED BY:

Steven Fincher, City Attorney

CITY OF FOREST PARK, GEORGIA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF FOREST PARK FINDING
COMCAST IN DEFAULT OF CABLE TELEVISION FRANCHISE
AGREEMENT FOR FAILURE TO REMIT FRANCHISE FEES IN
ACCORDANCE WITH CABLE TELEVISION FRANCHISE
AGREEMENT**

RECITALS:

1. On or about January 20, 1992, the City of Forest Park, Georgia ("City") entered into a Cable Television Franchise Agreement ("Franchise") with Wometco Cable TV ("Grantee").
2. The Franchise is currently held by Comcast of Georgia/Virginia, Inc. ("Grantee").
3. The Franchise term expired May 20, 2004.
4. Section 3 of the Franchise requires Grantee to pay the City a five percent (5%) franchise fee during the term of the Franchise on an annual basis, said franchise fee to be calculated based on gross subscribers revenue received by Grantee for cable service within the City.
5. Since the effective date of the Franchise Grantee has annually remitted franchise fees to the City.
6. Grantee was notified in writing by the City in a letter dated March 31, 2015 the City had contracted with Local Government Services, LLC ("LGS") to assist the City in performing a compliance review of franchise fee payments received by the City.
7. LGS and Comcast agreed that Comcast underpaid the City \$24,581.31 in outstanding franchise fees in an email dated May 6, 2015. Comcast did not include the franchise fee in the calculation of gross subscriber revenues (see Exhibit A attached hereto and made part of this Resolution).
8. Comcast provided LGS a form dated August 28, 1998 that a previous Mayor signed which indicated the City did not want to include the franchise fee in the calculation of gross revenues in the Franchise
9. LGS informed Comcast that it is not possible for either party to unilaterally amend the Franchise and the City Charter does not allow the Mayor to have unilateral authority to amend an ordinance in an email dated May 11, 2015 (see Exhibit B attached hereto and made part of this Resolution).
10. The City Attorney submitted two letters dated July 2, 2015 and August 20, 2015 to Comcast in an attempt to resolve the issue of disputed franchise fees and to discuss the expired Franchise (see Exhibit C attached hereto and made part of this Resolution).
11. As of the date of this Resolution the City has received no written reply from Grantee regarding request for payment and Grantee has not remedied the franchise violation by remitting the past due franchise fees.

NOW, THEREFORE, the City of Forest Park, Georgia hereby resolves as follows:

1. The Franchise is in full force and effect, and Grantee is the lawful holder of the Franchise.
2. The recitals set forth above are hereby incorporated in their entirety.
3. Grantee is in violation of Section 3 of the Franchise for failure to include the franchise fee in the calculation of gross subscriber revenue for the review period of January 1, 2011 through December 31, 2014 ("Review Period").
4. The total amount of franchise fee underpayment for the review period is found to be \$24,581.31.
5. City hereby reserves any and all rights it may have under the Franchise and applicable law to seek monetary damages, penalties and/or any other equitable remedy against Grantee for said violation.
6. City staff is hereby authorized to bring an action against Grantee in a court of competent jurisdiction to recover any franchise fee underpayment to the City for the Review Period.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Passed and adopted by the City of Forest Park, Georgia this ____ day of September 2015.

DAVID N. LOCKHART, MAYOR

TOMMY SMITH,
COUNCILMEMBER (WARD ONE)

DABOUZE ANTOINE
COUNCILMEMBER (WARD TWO)

MAUDIE MCCORD
COUNCILMEMBER (WARD THREE)

LATRESA AKINS, MAYOR PRO-TEM
COUNCILMEMBER (WARD FOUR)

LINDA LORD,
COUNCILMEMBER (WARD FIVE)

ATTEST:

CITY CLERK

(THE SEAL OF THE CITY OF
FOREST PARK, GEORGIA)

Approved as to Form:

City Attorney