

A G E N D A

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 15, 2014

6:00 P.M. Work Session
Discussion of Agenda Items

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

II. Invocation – Minister Silas

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Minutes

1. Work Session of Mayor and Council of September 2, 2014
2. Regular Meeting of Mayor and Council of September 2, 2014

VI. Comment Period

VII. Agenda Items

1. Executive Session – Personnel Matters
2. Consider an Ordinance to amend Title 2, Chapter 1 Relative to the Use of City Vehicles and for other lawful purposes
3. Tabled from September 2, 2014 Regular Meeting
Consider Settlement Agreement and Terms of Settlement Order between Jack Galardi, Red Eyed, Inc. d/b/a Crazy Horse Saloon, Walleye, LLC, Mia Luna, Inc. d/b/a Pink Pony South, and JGP&P, LLC and the City of Forest Park
4. Appointment of Solicitor

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF SEPTEMBER 2, 2014

Call to Order: The Work Session of Mayor and Council of September 2, 2014 was called to order by Mayor David Lockhart at 6:00 p.m.

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

Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Management Analyst Angela Redding, Director of Public Works Jeff Eady, Chief Dwayne Hobbs and Kiran Misra from the City Attorney Office.

Agenda Items: *Ordinance establishing the Millage Rate:* Mayor Lockhart stated the millage will remain unchanged at 14.743 mills.

Ordinance to amend Misdemeanor Sentencing: Mayor Lockhart stated there are 2 minor modifications which changed, where applicable, the possible sentencing from 6 months to 6 months and one day so a defendant may have his/her charge adjudicated in State Court with a jury. Mr. Eady explained his department has the authority to write citations that affect the sentencing.

Tabled - Settlement Agreement: Mayor Lockhart stated our City Attorneys have now received a marked up version of language previously sent to opposing counsel and negotiations will continue this week.

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

MINUTES

REGULAR MEETING OF MAYOR AND COUNCIL OF SEPTEMBER 2, 2014

- Call to Order:** The Regular Meeting of Mayor and Council of September 2, 2014 was called to order by Mayor David Lockhart at 7:00 p.m.
- Invocation:** The invocation was given by Mr. Eldrin Bell followed by the Pledge of Allegiance to the American Flag.
- Roll Call:** Mayor David Lockhart and Councilmembers Latresa Akins, Dabouze Antoine, Maudie McCord, Linda Lord and Tommy Smith.
- Also present were City Manager Frank Brandon, Director of Finance Mike Blandenburg, Management Analyst Angela Redding, Director of Public Works Jeff Eady, Chief Dwayne Hobbs and Kiran Misra from the City Attorney Office.
- Approval of Minutes:** Ms. Akins made a motion to approve the minutes of the Work Session and Regular Meeting of August 18, 2014, seconded by Ms. McCord. Voting for the motion was unanimous.
- Comment Period:** Lawanda Falomi: said this new project will be our revenue and debt. She also said discussion was held to have one of the warehouses as a work house. We could have Work Force and Dept. of Labor here. She also stated we are on the right track for economic development but we are not getting there fast enough.
- Beautification Awards:** Ms. Edie Yongue of Keep Forest Park Beautiful was present to recognize and present the Commercial Beautification Award to Mr. Bob May of Global Shopping Center. She then presented Ms. Ann Keith with the Residential Beautification Award.
- Ordinance-Millage Rate:** 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.

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

Ordinance -
Misdemeanor
Sentencing:

Request was made to consider an Ordinance to amend the Misdemeanor sentencing penalty in Title 1, Chapter 1 and Title 5, Chapter 2 of the Code of the City of Forest Park, Georgia.

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

Solicitor:

Mr. Antoine made a motion to appoint Ms. Holmes as our Solicitor of Forest Park, seconded by Ms. Akins. 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.

Settlement Agreement:

The Settlement Agreement and Terms of Settlement Order between Jack Galardi, Red Eyed, Inc. d/b/a Crazy Horse Saloon, Walleye, LLC, Mia Luna, Inc. d/b/a Pink Pony South, and JGP&P, LLC and the City of Forest Park, was tabled from the August 18, 2014 agenda.

Mr. Smith made a motion that the Settlement Agreement remain tabled, seconded by Ms. Akins. Voting for the motion was unanimous.

Adjournment:

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

STATE OF GEORGIA
CITY OF FOREST PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 2, CHAPTER 3 RELATIVE TO
THE USE OF CITY VEHICLES AND FOR OTHER LAWFUL
PURPOSES.

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

WHEREAS, it has been determined that it is necessary to amend the Code of the
City of Forest Park, Georgia with respect to the usage of city vehicles; and

WHEREAS, the health, safety, and welfare of the citizens of Forest Park,
Georgia, will be positively impacted by the adoption of this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF FOREST PARK, GEORGIA** and by the authority thereof as follows:

Section 1. The Code of the City of Forest Park, Georgia is hereby amended by
adding the following Sec. 2-3-10:

“Sec. 2-3-10. Use of city vehicles.

It shall be unlawful for any vehicle owned or leased by the City to be driven
outside the Forest Park City limits without the express consent of the City Council. Such
consent may be established by (a) the approval of an authorizing resolution of the City
Council or (b) approval of a City vehicle policy by the City Council.”

Section 2. The City Manager is hereby directed to present a City vehicle policy
for approval by the Council within 30 days from the adoption of this Ordinance which
policy shall specifically note any departmental exceptions to the statute established in
Section 1 which merit approval by the City Council.

Section 3. That the preamble of this Ordinance shall be considered to be and is
hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws
of the State of Georgia and the City of Forest Park.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this
Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this

Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. This Ordinance shall become 45 days from its adoption.

ORDAINED this _____ day of _____, 2014.

CITY OF FOREST PARK, GEORGIA

David Lockhart
Mayor

Maudie McCord, Mayor Pro-Tempore
Ward Three

Tommy Smith, Councilmember
Ward One

Dabouze Antoine, Councilmember
Ward Two

Latresa Akins, Councilmember
Ward Four

Linda Lord, Councilmember
Ward Five

Attest:

City Clerk

Approved as to Form:

City Attorney

MARKED CHANGES TO ORDINANCE

The entire section is new.

“Sec. 2-3-10. Use of city vehicles.

It shall be unlawful for any vehicle owned or leased by the City to be driven outside the Forest Park City limits without the express consent of the City Council. Such consent may be established by (a) the approval of an authorizing resolution of the City Council or (b) approval of a City vehicle policy by the City Council.”

VEHICLE POLICY

I. PURPOSE

The purpose of this policy is to provide all City of Forest Park employees with notice of the general rules, regulations and guidelines governing the use and operation of city vehicles.

II. POLICY

It shall be the policy of the City of Forest Park that city vehicles are authorized for use by employees in a safe and proper manner in the performance of all essential travel and transportation duties and the performance of all approved tasks within the rated capability of each vehicle.

III. DEFINITIONS

City Vehicle: Any motor-driven automobile, truck, cycle or specialized self-propelled vehicle owned by title or otherwise controlled by the City of Forest Park.

Employee: A paid worker or an elected official of the City of Forest Park. For the purpose of this policy, the term "employee" may also be used to identify individuals who donate their time and/or services to the City of Forest Park.

Regular: For the purposes of this policy the term "regular" shall mean that which is expected as usual, ordinary or normal.

IV. VEHICLE USE AND OPERATIONAL REQUIREMENTS

The use of the City of Forest Park vehicles and equipment is a privilege offered to designated employees through City employment. It is not a right of employment and, as such, improper and/or unauthorized use will result in disciplinary action against the employee, up to and including termination.

The following restrictions govern the operation of all City vehicles:

- A. Drivers of City vehicles must possess a valid State of Georgia Motor Vehicle License required for the type of vehicle being operated.
- B. No employee will be permitted to operate a City vehicle if not authorized by the immediate supervisor and/or department head to operate the vehicle or equipment.
- C. In the case of specialized off-road equipment, the employee must have undergone proper training as verified by the immediate supervisor and/or department head before operating such equipment.
- D. Drivers must, at all times, operate motor vehicles in a safe and courteous manner. City employees should conduct themselves in a manner which promotes positive citizen opinion.
- E. Employees shall operate City vehicles in accordance with all applicable state and local traffic laws.
- F. Drivers shall ensure that they and all riders wear seat belts at all times.
- G. Drivers are responsible for fueling vehicles assigned to them.
- H. Drivers shall adhere to all City safety procedures for vehicle operation, and any additional departmental procedures for vehicle operation.
- I. No alcohol, whether opened or unopened, will be allowed to be transported in any form in City vehicles or equipment (with the sole exception of police evidence).

- J. City vehicles shall not be operated by any employee who has consumed alcoholic beverages or illicit drugs, furthermore, city vehicles shall not be operated by any employee taking prescription drugs which could impair the ability of the driver and cause them to operate the vehicle in a less safe manner.
- K. All applicable policies/procedures stated herein governing the use of City vehicles by employees shall apply to rental vehicles, leased vehicles or borrowed vehicles paid for or controlled by the City of Forest Park.
- L. Except as necessary for repairs and maintenance, only employees shall be authorized to operate city vehicles.

V. AUTHORIZED USES

- A. City employees to whom vehicles have been issued as (take home vehicle) will be allowed to use the City vehicles to drive to and from home and work. Stops shall be allowed on the normal path of travel to their homes. Each employee who has been issued a vehicle shall have full use of said vehicle during normal business operations, including during lunch periods and for personal appointments in a situation where employee is traveling to or from work, and it is inconvenient to travel to residence to obtain personal vehicle.
- B. Employees may use City vehicles in the transport of incumbents, officials, sponsors, potential sponsors, other city employees, clients, guests, consultants, contractors, commercial firm representatives or others engaged in business with the city.
- C. Employees may use City vehicles while on official travel status. City vehicles may be used for any reasonable uses consistent with out of town travel.
- D. Employees may not use City vehicles to transport family members or other unauthorized persons without the permission of the City Manager or designee.
- E. The City Manager will authorize all take home vehicles for the employees whose job requirements meet the following criteria:
 1. The employee must regularly return to work on City business which includes checking facilities when problems arise.
 2. The employee is required by job description to regularly respond to emergency medical situations to evaluate the scene or to make an investigation.
 3. The employee is required to respond to emergencies to render expert advice and/or evaluate the situation including making investigations.
 4. On-call employees shall have use of City vehicles during the period of on-call when required to respond to calls within a designated time period. Such use shall not authorize any passengers.
 5. On-call employees not having such a time requirement for call back shall use the City vehicle for call back response only.

VI. DEFENSIVE DRIVING

All employees driving city vehicles shall take a defensive driving class and be re-certified every 2 years. Any person having a chargeable vehicle accident may be required by the Department Head and/or Accident Review Committee to attend a defensive driving class at the department's discretion.

VII. ACCIDENT REPORTING & INVESTIGATION PROCEDURES

If you are operating a City vehicle and you are involved in an accident, follow the following procedures:

The Operator of any City Vehicle involved in an accident or discovering damage to same, regardless of who is at fault or how trivial the damage might appear, must:

1. Call the police immediately and request an investigation. If the accident occurs out of the city limits, the enforcement agency having jurisdiction should be called for an investigation. DO NOT LEAVE THE SCENE OF THE ACCIDENT.
2. Contact the immediate supervisor after the accident has been investigated by the proper authorities and give him/her all information necessary for completing the Report of a vehicular accident.
3. If it is alleged by another party that a City owned vehicle caused damage to their vehicle, the operator of the City vehicle must follow through with the procedures outlined above regardless of whether or not any damage was caused.
4. Damage caused by flying or falling debris such as rocks, asphalt, limbs, etc., regardless of how minor the damage might be, must be reported as outlined above.
5. In case of an accident between two or more City owned vehicles, both operators must complete and submit an accident report as outline above.
6. In accordance with the City Drug Free Workplace Policy, employees involved in an accident may be subject to drug and alcohol testing, if at fault, they will be subject to testing.

VIII. MOTOR VEHICLE RECORDS

In order to ensure that each employee who operates a City vehicle is not only properly licensed but also does not possess certain serious violations (see below) against his or her driver's record, the City will periodically request and review the state Motor Vehicle Record (MVR) of every employee who is called upon to operate the City of Forest Park's motor vehicle/equipment. For jobs requiring the operation of vehicles and/or equipment, such a review will take place for all applicants as part of the hiring and selection process and for current City employees at least once annually.

NOTE: All accidents and violations that appear on an employee's MVR, not just those which occurred on the job as a City of Forest Park employee will be considered.

A. CAPITAL VIOLATION:

1. Operating a vehicle after the registration has been suspended or revoked.
2. Using false or fictitious registration plates or driver's license.
3. Driving after a driver's license has been suspended.
4. Murder or assault with a motor vehicle.
5. Theft of a motor vehicle and related offenses.
6. Hit and run.

B. MAJOR VIOLATIONS:

1. Driving while under the influence.
2. Possession of an opened alcoholic beverage container.
3. Reckless driving resulting in bodily injury or property damage.
4. Negligent homicide.
5. Speed contest, drag, or highway racing

C. OTHER VIOLATIONS:

All other moving violations.

D. APPLICANTS CONSIDERED FOR EMPLOYMENT:

MVR indicates no capital or major violations. However, three or more other violations appearing during the last three years may not be consider for employment.

E. CURRENT EMPLOYEES

MVR indicates one or more capital or major violations, strong disciplinary measures will be considered, up to termination.

MVR indicates no capital or major violations. However, if there are three or more other violations appearing during the last three years: a Department Head may consider placing employee on probation, or relieving employee of driving responsibilities.

If the department allows an employee to continue driving, with three or more other violations appearing on MVR for the last three years, the driver's MVR will be run again in six months. Any additional violations to employee record may result in termination.

Each case will be considered on its own merits and will include:

Nature of occurrence(s);

Length of time since occurrence(s);

Demonstrated work performance; and

Demonstrated understanding of safe vehicle operation and its importance.

The department head will evaluate the merit of each case.