

AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL OF NOVEMBER 16, 2015

6:00 P.M. Work Session

- Discussion of Agenda Items
- Report by City Manager

- 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 November 2, 2015
 2. Regular Meeting of Mayor and Council November 2, 2015
- VI. Comment Period
- VII. Recess for a Public Hearing
- VIII. Open Public Hearing to receive comments on the request to rezone a parcel of property lying and being in Land Lot 50 of the 13th District, Clayton County Tax I.D. #13050D-C002, also known as 891 Forest Parkway, Forest Park, from its current zoning of C-3 Institutional Commercial District to C-3 Commercial District – Conditional Use.
- IX. Close Public Hearing and Reconvene Meeting
- X. Agenda Items
 1. Proclamation to Kiwanis Club
 2. **RENEWAL OF RETAIL ALCOHOL LICENSES FOR BEER ONLY**
 2. OSS Business Corporation, Quick Stop Food Mart, 4962 Jonesboro Road, no exceptions noted

3. In N Out Group LLC, In N Out Food Mart, 4233 Thurmond Road, no exceptions noted

**RENEWAL OF ON-PREMISES CONSUMPTION ALCOHOL
LICENSE FOR LIQUOR, BEER AND WINE**

4. Zillion Concepts, LLC, Rumors, 3950 Jonesboro Road, no exceptions noted
5. JB's Billiards, LLC, JB's Billiards & Bar, 4148 Jonesboro Road, no exceptions noted
6. Consider Renewal of On-Premises Consumption Alcohol License for Beer and Wine from Golden Gate Restaurant, Inc., 4353 Jonesboro Road, no exceptions noted
7. Consider Renewal of Retail Alcohol License for Beer and Wine from All American Quality Foods, Inc. Food Depot, 792 Morrow Road, no exceptions noted
8. Consider Renewal of Retail Alcohol License for Liquor, Beer and Wine from Golden Bridge Enterprise, Inc., Holiday Bottle Shop, 791 Morrow Road, no exceptions noted
9. Consider rezoning request of 891 Forest Parkway (I.D. #13050D-C002) from C-3 Institutional Commercial District to C-3 Commercial District - Conditional Use
10. Consider a Resolution by the City Council of the City of Forest Park 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
11. Consider Resolution Authorizing Contract with M. H. Biggers and Associates to provide Appraisal Services for the 2013 West Street Project

SUMMARY AND BACKGROUND

The City of Forest Park received Community Development Block Grant (CDBG) funds for infrastructure improvements on West Street. The improvements consist of curb and gutter improvements, drainage improvements and the construction of a sidewalk. The engineering phase has been completed and several properties have been identified for right-of-way acquisition and/or construction easements.

This Resolution is requesting authorization to enter into a contract with M. H. Biggers and Associates to provide valuations in accordance with guidelines established by the U.S. Department of Housing and Urban Development.

12. Consider an Ordinance to Amend Article A, General Provisions of Chapter 2, Alcoholic Beverages, of Title 9, Licensing and Regulation, of the Code of Ordinances of the City of Forest Park; to amend the minimum distances from certain types of Establishments in which Alcoholic Beverages may be sold; to amend the definition of "Grocery Store" with regard to the sale of Alcoholic Beverages; to repeal any conflicting Ordinances; to provide an Adoption Date; To provide an Effective Date; and for other purposes

XI. Legal Matters

XII. Comments by Governing Body

XIII. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF NOVEMBER 2, 2015

Call to Order: The Work Session of Mayor and Council of November 2, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

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

Also present were Interim City Manager Al Wiggins, Director of Public Works Jeff Eady, Deputy Director of Planning and Zoning Jonathan Jones, Deputy Fire Chief Matt Jackson, Management Analyst Angela Redding, Major Jamie Reynolds, Director of Support Services Christine Terrell and City Attorney Winston Denmark.

Agenda Items: *Ordinance – Foreclosed and Vacant Property Registry:* Mr. Wiggins stated at the last council meeting there was a question about the definition of foreclosed property and after contacting the City Attorney, it was an oversight and that portion of the document has been changed and the new document reflects the change.

Ordinance – Community Economic Adjustment Planning Assistance Grant - Mr. Wiggins stated this is a reduction in the original amount that was requested in August. The amount of the grant is \$485,525 and the City will provide \$51,219 towards the grant.

City Manager's Report –

- Carolyn Pearson retired after 30 years with the City
- The Recreation Department will be host a Christmas Play at the gym on December 18 and 19
- The Christmas Parade is scheduled for Nov. 30th
- Mr. Wiggins will make a presentation in conjunction with the Environmental Protection Division at the University of Georgia, Carl Vinson Institute of Government, at the Georgia Downtown Conference in March.

- Met with new owner of the Pizza Hut on Jonesboro Road and is very ambitious ideas about what he would like to do
- Development near the post office on Courtney Drive has bought the old beauty school and is extending the restaurant to create a mixed use component.
- Second Street Park – hours of operation and lighting of the court is being discussed

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 NOVEMBER 2, 2015

- Call to Order: The Regular Meeting of Mayor and Council of November 2, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.
- Invocation: The invocation was given by Bruce Robinson followed by the Pledge of Allegiance to the American Flag.
- Roll Call: Mayor David Lockhart and Councilmembers Tommy Smith, Linda Lord, Dabouze Antoine, Maudie McCord and Latresa Akins.
- Also present were Interim City Manager Al Wiggins, Director of Public Works Jeff Eady, Deputy Director of Planning and Zoning Jonathan Jones, Deputy Fire Chief Matt Jackson, Management Analyst Angela Redding, Major Jamie Reynolds, Director of Support Services Christine Terrell 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 October 19, 2015, seconded by Ms. McCord. Voting for the motion was unanimous.
- Comment Period: Carl Evans – thanked Ms. Lord for her dedication to the City during her time on Council.
- Sandra Bagley – thanked the Public Works Department for addressing issues on Waverly Drive
- Samuel Ibara – discussed Marta and petition that is being circulated
- Alcohol Licenses: Ms. Lord made a motion to approve the following renewal of retail alcohol licenses for liquor only, seconded by Mr. Smith.
- Hongs Liquor, 5001A Jonesboro Road, no exceptions noted

- Napro, Inc. R & J Bottle Shop, 530 Main Street, no exceptions noted

Voting for the motion was unanimous.

Mr. Smith made a motion to approve the following renewal of alcohol licenses for beer and wine, seconded by Ms. Lord.

- Hong Enterprise, Shopwise, 5001B Jonesboro Road, no exceptions noted
- Tara & Son, LLC, Z Food Mart, 5067 Ash Street, no exceptions noted
- GJMMA, Inc. Buddy's Food Mart, 5891-A Ash Street, no exceptions noted
- Napro, Inc. Main Street Grocery, 528 Main Street, no exceptions noted
- OAFI, Inc. H & Y Food Mart, 1401 Rockcut Road, no exceptions noted
- Mou Enterprises, Forest Park Food Mart, 4193 Jonesboro Road, no exceptions noted

Voting for the motion was unanimous.

Ms. McCord made a motion to approve the following renewal of alcohol licenses for liquor, beer and wine, seconded by Mr. Smith.

- Sahdev, LLC, Liberty Package, 4568 Old Dixie Highway, no exceptions noted
- Shrji Mahi LLC, Clayton Bottle Shop, 4075 Jonesboro Road, no exceptions noted

Voting for the motion was unanimous.

On-Premises
Licenses:

Request was made to consider renewal of an On-Premises Consumption Alcohol License for beer and wine from Trans-Atlantic Arcade, LLC, 4462 Jonesboro Road, no exceptions noted.

Ms. Lord made a motion to approve the request for renewal of an on-premises consumption alcohol license from Trans-Atlantic Arcade, seconded by Ms. Akins. Voting for the motion was unanimous.

Ordinance -
Foreclosed and
Vacant
Property
Registry:

Request was made to consider an Ordinance to amend Chapter 2, Building Regulation and Code Enforcement, of Title 8, Planning and Development, of the Code of Ordinances by enacting Article Q, Foreclosed and Vacant Property Registry; to repeal any conflicting Ordinances; to provide an adoption date; to provide an effective date; and for other purposes.

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

Ordinance
Community
Economic
Adjustment
Planning
Assistance
Grant:

Request was made to consider an Ordinance by the City Council of the City of Forest Park authorizing the Mayor to sign and accept a Community Economic Adjustment Planning Assistance Grant for Fiscal Year 2016 from the Department of Defense Office of Economic Adjustment for the purpose of preparing an Outreach and Comprehensive Reuse Plan for Fort Gillem and to appropriate the matching funds from the transfer to LRA Fund Line Item 100-22-1510-61-1001; to provide for severability; to repeal all Ordinances and parts of Ordinances in conflict herewith; to provide an effective date; and for other purposes.

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


Adjournment:

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

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 26, 2015
NO: #259-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 
SUBJECT: Retail Alcohol License (Beer Only)

*****RENEWAL*****

RE: OSS Business Corporation
Quick Stop Food Mart
4962 Jonesboro Road
Forest Park, GA 30297

Rushna Kashem

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 26, 2015

NO: #275-2016

TO: Al Wiggins, Interim City Manager

FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 

SUBJECT: Retail Alcohol License (Beer Only)

*****RENEWAL*****

RE: In N Out Group LLC
In N Out Food Mart
4233 Thurmond Rd
Forest Park, GA 30297


Zeeshan Thobhani

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 28, 2015
CONTROL NO: CA151-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 
SUBJECT: On-Premises Consumption Alcohol License (Liquor, Beer & Wine)

*****RENEWAL*****

RE: Zillion Concepts, LLC
Rumors
3950 Jonesboro Rd
Forest Park, Georgia 30297

David Rashmir

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 28, 2015
NO: CA149-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services
SUBJECT: On Premises Consumption Alcohol License (Liquor, Beer & Wine)



*****RENEWAL*****

RE: JB's Billards LLC
JB's Billiards & Bar
4148 Jonesboro Rd
Forest Park, GA 30297


Eskender Getachew

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 26, 2015
CONTROL NO: CA069-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services 
SUBJECT: On-Premises Consumption Alcohol License (Beer & Wine)

*****RENEWAL*****

RE: Golden Gate Restaurant, Inc.
4353 Jonesboro Road
Forest Park, Georgia 30297

Paul Wong

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 16, 2015

NO: # 187-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services
SUBJECT: Retail Alcohol License (Beer & Wine)



*****RENEWAL*****

RE: All American Quality Foods, Inc.
Food Depot
792 Morrow Road
Forest Park, Georgia 30297

Gerald Taylor

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: October 29, 2015

NO: #258-2016

TO: Al Wiggins, Interim City Manager
FROM: L. Dwayne Hobbs, Director, Dept. of Police Services
SUBJECT: Retail Alcohol License (Liquor, Beer & Wine)



*****RENEWAL*****

RE: Golden Bridge Enterprise, Inc.
Holiday Bottle Shop
791 Morrow Road
Forest Park, GA 30297

Young Jin Sohn

NO EXCEPTIONS NOTED:

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FOREST PARK 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.

WHEREAS, City Code Section 3-1-21 permits the Council to determine when it is in the best interest of the city to sell or otherwise dispose of any property belonging to the city, not needed for public use or that may have become unsuited for public use; and

WHEREAS, pursuant to City Code Section 3-1-21, it shall be the duty of the governing body to declare when such items should be disposed, and to list or describe the real property to be sold, and all personal property, the estimated resale value of which shall exceed five hundred dollars (\$500.00), to be sold at public auction or by formal written contract to the highest responsible bidder, after reasonable notice inviting proposals and surplus property of the city with an estimated resale value of five hundred dollars (\$500.00) or less may be sold at the discretion of the purchasing agent by negotiated sale without advertisement and the acceptance of bids; and

WHEREAS, various City Departments have provided a list of City surplus items to the City Manager, attached as exhibit A to this resolution; and

WHEREAS, the City Manager has determined that it is in the best interest of the City to surplus such items, and has requested that such items become surplus and disposed of in the most appropriate manner.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Forest Park that the items listed on Exhibit A, attached to this resolution, be declared surplus and be disposed of in the most appropriate manner.

Section 1. That the City Manager cause the items to be disposed of either by auction or pursuant to City Ordinances.

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution and such remainder shall remain in full force and effect.

Section 3. This Resolution shall be in full force and effect immediately upon and after its final passage.

Resolved this _____ day of _____, 2015.

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FOREST
PARK 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.**

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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



revised for agenda
Jeff Eady to: Jan Young

11/11/2015 04:14 PM

VIN	DIVISION	UNIT	Vehicles for Auction	Reason for
1FDYF80E4SVA34472	Streets	228	1995 Ford Truck with bad leaf unit	Leaf unit
PLB30250-617	Parks	617	1993 F150 Pickup	Engine bad, repairs exc
1FDWF80E7SVA18435	Streets	223	1995 Ford F800	Transmission bad, rep:
1HGCD5524TA053437	Police	CPV	1996 Honda Accord	Confiscated vehicle, neve
2G1WW12E149280507	Police	CPV	2004 Chevrolet Monte Carlo	Confiscated vehicle, neve
1G3NK52T4YC430712	Police	CPV	2000 Oldsmobile Alero	Confiscated vehicle, neve
2G1WX15K819157006	Police	CPV	2001 Chevrolet Monte Carlo	Confiscated vehicle, neve
1FTZF1720YNB11553	Police	CPV	2000 Ford F150 Pickup	Confiscated vehicle, neve
5LMRU27XLJ11623	Police	70	1999 Lincoln Navigator	Engine bad, repairs exc
JN8DR09X13W712448	Police	707	2003 Nissan Pathfinder	Transmission bad, repairs
1GNEC13V44J101172	Police	718	2004 Chevrolet Tahoe	Confiscated vehicle, k
1GTDC14Z2KE531259	Police	1200	1988 Chevrolet Pickup	PD left this at Fle
2FAHP71W25X115210	Police	1	2005 Crown Vic	Bad transmission, unit repl
2B3LA43H78H248399	Police	22	2008 Dodge Charger	Bad engine, unit replace
2B3LA43T29H520315	Fire	304	2009 Dodge Charger	Bad engine, repairs exc
2FAHP71W55X115217	Police	5	2005 Ford Crwon Vic	Past Service life, replaced
2FAHP71W35X115216	Police	6	2005 Ford Crwon Vic	Past Service life, replaced
ID	Division	UNIT	Equipment to Auction	Reason for
50D50613	Streets	132	Kubota Fram Tractor	Bad transmission,
I890270407			Diesel Generator	Unit no longer
Olberg Model P300	N/A	N/A	Oil Filter Crusher	Will not work for our n
Ingersol Rand Compressor	N/A	N/A	Air Compressor Model 7112-T3011M	Will not work for our n
912R2808-670	Streets	670	Amida traffic trailer	Exceeded service life, u
912R2809-671	Streets	671	Amida traffic trailer	Exceeded service life, u
T245818	Streets	132a	Asphalt trailer ID Tag# T696304	Repairs exceed the c
KH047786	Streets	124	Old Asphalt roller	Bad engine, Replaced v
374	Parks	669	1997 Gravely lawnmower	Unit no longer

Jeffrey A. Eady
Director of Public Works



5230 Jones Road
Forest Park, GA 30297

Memo

To: Angela Redding, Management Analyst
From: Elaine Corley, Director, Recreation & Leisure Services
Date: November 11, 2015
Re: Surplus Items

The following items are to be declared surplus:

	Item	Bar Code	Condition
1)	One Deck Chair		Broken
2)	one Round Table		Broken
3)	eight Noodle Floats (falling to pieces)		Broken
4)	two Mop/mop handle		Old/Broken
5)	one Straw Broom		Broken
6)	one Telephone		Broken
7)	one Pool Vacuum Head		Broken
8)	one Steel Brush Handle		Broken
9)	three Telescope Poles		Old/Broken
10)	seven Poles		Old/Broken
11)	one Yellow Life Ring Rope		Frayed
12)	one Rope from Lifeline (blue/white)		Frayed
13)	one Squeegee		Broken
14)	one Waste Container		Broken

Thanking you in advance for your assistance.

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO.: _____

**RESOLUTION AUTHORIZING CONTRACT WITH M. H. BIGGERS
AND ASSOCIATES TO PROVIDE APPRAISAL SERVICES FOR THE
2013 WEST STREET PROJECT**

WHEREAS, the City of Forest Park has received Community Development Block Grant (CDBG) funding for infrastructure improvements on West Street, and

WHEREAS, the Engineering phase has been completed and properties have been identified for right-of-way acquisition and/or a construction easement, and

WHEREAS, the City of Forest Park must adhere to the property acquisition guidelines established by the U.S. Department of Housing and Urban Development, and

WHEREAS, the City of Forest Park has solicited the services of an appraiser via a Request for Qualifications, and

WHEREAS, the firm of M. H. Biggers and Associates submitted the sole Proposal and contract (the "Contract") for the project in the amount of \$3,600; and

WHEREAS, the cost for the services of an appraiser will be paid from the City's 2013 CDBG funds.

WHEREAS, attached hereto as Exhibit "A" is a copy of the Contract;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF FOREST PARK, AS FOLLOWS:**

Section I. Approval of Contract. The form, terms and provisions of the Contract presented to this meeting are hereby approved, and all of the terms and provisions thereof are hereby incorporated herein by this reference as if the Contract was set out in this Resolution in its entirety. The Mayor is hereby authorized, empowered and directed to execute, acknowledge and deliver the Contract with M.H. Biggers and Associates to provide Right-of-Way valuations for the West Street Project infrastructure project. The Contract is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as may be deemed necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Resolution and shall not be inconsistent with or contrary to such purposes.

Section II. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Contract shall be deemed to be a stipulation, obligation or agreement of any council member, officer, agent or employee of the City in his individual capacity, and no such officer, director, agent or employee shall be subject to personal liability or accountability by reason of the execution of the Contract.

Section III. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the Mayor of the City of

Forest Park, Georgia and the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the Contract. In the event that Mayor is not available to execute the documents herein authorized, the Mayor-Pro-Term is hereby authorized to execute such documents.

Section IV. Actions Ratified, Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and in the furtherance of the execution, delivery and performance of the Contract shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section V. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section VI. Repealing Clause. All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section VII. Effective Date. This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this _____ day of _____, 2015.

CITY OF FOREST PARK

David Lockhart, Mayor

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Councilmember, Ward Two

Maudie McCord
Councilmember, Ward Three

Latresa Akins
Mayor Pro-tempore (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

CITY OF FOREST PARK

STATE OF GEORGIA

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE A, GENERAL PROVISIONS, OF CHAPTER 2, ALCOHOLIC BEVERAGES, OF TITLE 9, LICENSING AND REGULATION, OF THE CODE OF ORDINANCES OF THE CITY OF FOREST PARK; TO AMEND THE MINIMUM DISTANCES FROM CERTAIN TYPES OF ESTABLISHMENTS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD; TO AMEND THE DEFINITION OF "GROCERY STORE" WITH REGARD TO THE SALE OF ALCOHOLIC BEVERAGES; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; 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 City has the power to adopt regulations promoting the public health, safety, and general welfare of its citizenry pursuant to Article IX, Section II, Paragraph II of the 1983 Constitution of the State of Georgia; the Municipal Home Rule Act (O.C.G.A. § 36-35-1 *et seq.*); and Section 1.13(11) of the City's Charter; and

WHEREAS, the State of Georgia (the "State") regulates the minimum distances that must exist between establishments that sell alcoholic beverages and churches, educational facilities, alcoholic treatment centers, and housing authority properties; and

WHEREAS, the City desires to amend the distance requirements, to mirror to State law, between establishments that sell alcoholic beverages and churches, educational facilities, alcoholic treatment centers, and housing authority properties; and

WHEREAS, the regulation of alcoholic beverages is for a public purpose and provides for the public health, safety, and general welfare; and

WHEREAS, the public health, safety, and general 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 subsections (a) and (b) of Section 9-2-12, Location of Business, of Article A, General Provisions, of Chapter 2, Alcoholic Beverages, of

Title 9, Licensing and Regulation, of the Code of Ordinances of the City of Forest Park, Georgia, are hereby amended by striking the existing text and inserting the following text, in lieu thereof, to read as follows:

“(a) No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within:

- (1) One hundred (100) yards of any church;
- (2) Two hundred (200) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum;
- (3) One hundred (100) yards of any alcoholic treatment center;
- (4) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2); or

(b) No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:

(1) One hundred (100) yards of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within the one hundred (100) yards of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection;

- (2) One hundred (100) yards of any alcoholic treatment center; or
- (3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).”

Section 2. The preamble of this Ordinance shall be considered to be and is

hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 4. (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.

Section 5. 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 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. 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

Latresa Akins
Mayor Pro-tempore (Ward Four)

Tommy Smith
Councilmember, Ward One

Dabouze Antoine
Councilmember, Ward Two

Maudie McCord
Councilmember, Ward Three

Linda Lord
Councilmember, Ward Five

ATTEST:

City Clerk

Approved as to Form

City Attorney

ALCOHOLIC BEVERAGES ORDINANCE

Issue/Provision	Existing Forest Park Code	Revised Proposed Ordinance
<p>Title 9, Licensing and Regulation, Chapter 2, Alcoholic Beverages, Article A, General Provisions</p>	<p>(a) No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within:</p> <ul style="list-style-type: none"> (1) Three hundred (300) feet of any church; (2) Six hundred (600) feet of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; (3) Three hundred (300) feet of any alcoholic treatment center; (4) Three hundred (300) feet of any housing authority property as defined in O.C.G.A. § 3-3-21(3); or (5) Two hundred (200) feet of any property zoned by the city for residential use. <p>(b) No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:</p> <p>(1) Three hundred (300) feet of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within the three hundred (300) feet of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has at least eighty-five (85) percent of its total retail floor space reserved for the sale of food and other nonalcoholic items, conducts all</p>	<p>(a) No business engaged in the sale of distilled spirits by the package or for consumption on the premises may be located within:</p> <ul style="list-style-type: none"> (1) <u>One hundred (100) yards</u> of any church; (2) <u>Two hundred (200) yards</u> of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; (3) <u>One hundred (100) yards</u> of any alcoholic treatment center; (4) <u>One hundred (100) yards</u> of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2); or <p>(b) No business engaged in the sale of malt beverages, or wine, by the package or for consumption on the premises may be located within:</p> <p>(1) <u>One hundred (100) yards</u> of the grounds or facilities of any public school, church school, or private school teaching elementary, middle school, high school curriculum, or college curriculum; provided however, except as required by state law, that nothing in this subsection (b)(1) shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within the <u>one hundred (100) yards</u> of a college campus where so permitted by resolution or ordinance of the city council. As used in this subparagraph, the term "grocery store" means a retail establishment which has a <u>total retail floor space of at least ten thousand (10,000) square feet of which at least eighty-five (85) percent of its total retail floor space is reserved for the sale of food and other nonalcoholic</u></p>

of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council;

(2) Three hundred (300) feet of any alcoholic treatment center;

or

(3) Three hundred (300) feet of any housing authority property as defined in O.C.G.A. § 3-3-21(3).

items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the city council. The definition of "grocery store" shall have the same meaning as set forth in O.C.G.A. § 3-3-21(a)(1)(B) should that definition differ from that in this subsection;

(2) One hundred (100) yards of any alcoholic treatment center; or

(3) One hundred (100) yards of any housing authority property as defined in O.C.G.A. § 3-3-21(e)(2).