

AGENDA

REGULAR MEETING OF MAYOR AND COUNCIL OF DECEMBER 7, 2015

6:00 P.M. Work Session

- Discussion of Agenda Items
- Presentation by Jay Francis Springs, WIGO Radio Station
- 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 16, 2015
2. Regular Meeting of Mayor and Council November 16, 2015

VI. Comment Period

VII. Agenda Items

1. Proclamations to Outgoing Councilmembers Linda Lord and Maudie McCord

RENEWAL OF RETAIL ALCOHOL LICENSES FOR BEER & WINE

2. Adonay, Inc. Texaco Food Mart, 4192 Jonesboro Road, no exceptions noted
3. SAB Mart, Inc., Piggly Wiggly, 4769 Jonesboro Road, no exceptions noted
4. Shree Dharm, Inc. Royal Food Mart, 5604 Old Dixie Hwy., no exceptions noted

5. Clipper Petroleum, Inc., Circle M Food Shop #57, 4950 Old Dixie Hwy., no exceptions noted
6. Retail Marketing Corporation, Wholesale Food Outlet, 4855 Jonesboro Road, no exceptions noted
7. SNZ, Inc., BP Food Mart, 4441 Jonesboro Road, no exceptions noted
8. Refresh Investments, Inc., Texaco Food Mart, 503 Forest Parkway, no exceptions noted
9. Neelam Investments, Inc., Happy Food Mart, 5971 Ash Street, no exceptions noted
10. AA Oil LLC, Shell Food Mart, 4806 Jonesboro Road, no exceptions noted
11. Duvell Investment Corp., Pak N Go, 1003 Forest Parkway, no exceptions noted
12. Two Brothers Convenience, Inc., Citgo Food Mart, 4578 Old Dixie Highway, no exceptions noted
13. Old Dixie "C" Store, Inc., Texaco Food Mart, 5111 Old Dixie Hwy, no exceptions noted

**RENEWAL OF ON-PREMISE CONSUMPTION ALCOHOL
LICENSE FOR BEER ONLY**

14. Forest Wing and Fish, 4430 Jonesboro Road, no exceptions noted
15. Rio Grande Restaurant, LLC, Rio Grande Restaurant, 4609 Jonesboro Road, no exceptions noted

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

16. Red Eyed, Inc., Crazy Horse, 4730 Frontage Road, no exceptions noted
17. Restaurant Forest, 5025 Jonesboro Road, no exceptions noted
18. Consider renewal of retail alcohol license for beer only from Alwani Group of Companies, Inc. Shell Food Mart, 4926 Old Dixie Hwy., no exceptions noted

20. Consider a Resolution to Authorize and Direct the Mayor to execute the Retirement Savings Plan, being an Amendment by the Entirety and Restatement of the Plan
21. Consider a Resolution of the Mayor and Council of the City of Forest Park, Georgia, authorizing the Participation with Clayton County Government, Clayton County Public Schools and the Clayton County Cities in preparation and submission of a Compliance Action Plan to the Federal Aviation Administration ("FAA") in response to the FAA Policy Clarification for the use of Aviation Fuel Tax Revenue ("The FAA Policy") published in the Federal Register in November of 2014
22. Consider an Ordinance to amend Title 5 ("Public Works"), Title 8 ("Planning and Development"), and Title 9 ("Licensing and Regulation") of the Code of Ordinances, City of Forest Park, Georgia; to revise certain provisions to facilitate the use of Green Infrastructure or Low Impact Development Technologies; 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
23. *Tabled from October 4, 2015 Meeting:* 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

VIII. Legal Matters

IX. Comments by Governing Body

X. Adjournment

MINUTES

WORK SESSION OF MAYOR AND COUNCIL OF NOVEMBER 16, 2015

Call to Order: The Work Session of Mayor and Council of November 16, 2015 was called to order by Mayor David Lockhart at 6:00 p.m.

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

Also present were Interim City Manager Al Wiggins, Director of Public Works Jeff Eady, Major Chris Matson, Chief Eddie Buckholts, Director of Support Services Christine Terrell, Deputy Director of Planning and Zoning Johnathan Jones, Management Analyst Angela Redding and City Attorney Winston Denmark.

Agenda Items: *Public Hearing: 891 Forest Parkway, rezone from C-3 Institutional Commercial to C-3 Commercial District-Conditional Use* - Mr. Wiggins stated previously Round-Up Motors Car Lot requested a rezoning to allow the car lot to be reactivated and there was some discussion at that time to ask the applicant to go through the rezoning process. He stated the applicant asked for a conditional rezoning. The current zoning classification would be retained but the applicant has proposed certain conditions contingent upon the approval of the rezoning request.

Mr. Wiggins stated the Planning Commission voted unanimously to deny the request for the conditional rezoning based upon the fact the request was not consistent with our Comprehensive Plan and also neighboring citizens objected to the request. Mr. Wiggins stated this rezoning could have been considered "spot zoning" which is in conflict with the zoning procedure laws.

Mr. Christopher stated they are not trying to get a C-1 zoning, only trying to use the property for what it had been previously been used for. He stated there were concerns from citizens based on traffic and the number of vehicles placed on the property. He stated they measured the

property lines and have determined they would put 25 – 30 units on the property which is only about 60% usage of what is available. Mr. Christopher stated they are asking for a variance, not to be rezoned. He said there will be no repair work done on the property. He stated they would pave the parking lot and had looked to put in a privacy fence.

Mayor Lockhart stated amongst complaints he has heard, are comparisons to the car lot at Old Dixie and Morrow Road and the number of cars at that location. Mr. Christopher stated he is limiting the number of vehicles to 28 to 30. He stated his purpose is to put quality vehicles that he can show and sell. Mr. Christopher stated all cars on his lot will be drivable and no cars will have to be loaded or unloaded.

Ordinance to amend minimum distances where alcoholic beverages can be sold: Mr. Wiggins stated this ordinance is now consistent with the State.

Mayor Lockhart mentioned to Council to consider that the second meeting in December is close to the holiday, and if there is not business to take up, and people may be traveling, to move the meeting to the first Monday in January.

Mayor Lockhart announced there will be a reception for Councilwoman Lord and Councilwoman McCord at the next regular meeting.

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 16, 2015

Call to Order: The Regular Meeting of Mayor and Council of November 16, 2015 was called to order by Mayor David Lockhart at 7:00 p.m.

Invocation: The invocation was given by Councilwoman Lord followed by the Pledge of Allegiance to the American Flag.

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

Also present were Interim City Manager Al Wiggins, Director of Public Works Jeff Eady, Major Chris Matson, Chief Eddie Buckholts, Director of Support Services Christine Terrell, Deputy Director of Planning and Zoning Johnathan Jones, Management Analyst Angela Redding and City Attorney Winston Denmark.

Approval of Minutes: Ms. Akins made a motion to approve the minutes of the November 2, 2015 Work Session and Regular Meeting, seconded by Mr. Antoine. Voting for the motion was unanimous.

Comment Period: Keisha Crockett – asked if the City had any plans to create programs for the youth between the hours of 4 pm and 7 pm. She also stated last year they were offering thanksgiving dinners for \$5 for seniors in the City but only if you were a member of the Senior Center. She felt it should be open to all the seniors in the City and asked Council to reconsider that policy.

Derrick Manning – said one of the challenges they have to involve children after school is to make sure they are eligible. He said when kids are involved in meaningful activities, they tend to do better academically.

Sandra Bagley - thanked everyone for the Veterans Day Celebration and also thanked Public Works for their efforts in cleaning up her neighborhood. She also stated that

campaign signs are being taken and if anyone sees this, please contact the candidate.

Gregory Hanes – stated there has been random gunfire from Cash Memorial to West Street and asked the police be more vigilant in this area.

Roy Lunsford – stated he felt the car lot in question would be a great addition to the Parkway.

Brandon Jones – indicated he was there as part of an assignment for Clayton State University. He commended the Mayor and Council for beginning the meeting with a prayer even though that might not be something that everyone would think was correct. He said there are people in this Country who do not believe that religion should be a part of any government meeting.

Eskender Getachew – stated he was the owner of JB Billiards and Bar in Forest Park and asked council to consider changing the hours he can stay open to 3 a.m. to compete with other cities in the area.

Recess:

Ms. Akins made a motion to recess the regular meeting for a public hearing, seconded by Ms. McCord. Voting for the motion was unanimous.

Ms. Lord made a motion to open the Public Hearing to receive comments on the 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, seconded by Ms. Akins. Voting for the motion was unanimous.

Public Hearing:

Mayor Lockhart opened the Public Hearing to receive comments.

Herb Hamilton – felt the car lot would not be a good addition to the Parkway. He said the property is .30 acres and that doesn't seem to be the vision of the City. He asked the Council to deny this request.

Mrs. Thomaston – said the City and its land use plan says a car lot has to have 2 acres and this lot is less than a third of

an acre. She said this is not the vision of the City and if we allow spot zoning, anyone can spot zone throughout the city. She asked this request be denied.

Mr. Antoine stated we have a business owner wishing to bring business in the City and we make it so complicated, they leave. If we make adjustments, they will be welcome.

Ms. Ann Keith - stated she is hoping for businesses that bring a better quality of life for our city and is not sure this is the right thing.

Mr. Christopher - stated he was trying to bring business into the city and some of the objections don't have merit. He said they will make adjustments and work with the City as far as size and space.

Mr. Wiggins spoke concerning the staff report submitted for this rezoning. He said it did not meet the overall plan in conjunction with the City's Comprehensive Plan, and there were concerns with spot rezoning.

Ms. Gaywell - asked if the special provisions go with the lot or the owner. Mr. Wiggins stated the conditions go with the lot indefinitely, unless that was one of the conditions the board put in place.

Mr. Antoine stated we approve thrift stores, gun shops and here is a business owner trying to bring cars in, and we are giving him a hard time.

Mr. Lunsford -stated most of the traffic going down the Parkway is just going through Forest Park and didn't see where the extra traffic would come from.

Mr. Haynes - stated there has been nothing done with the eyesore on Springdale Road where vehicles sit with no tires, and this is a business trying to upgrade the property.

Miriam White - felt the business would benefit Forest Park and we should support small businesses.

Ms. Lord stated we should take into account the citizens and spot zoning is not good.

Ms. Akins stated we need more businesses and should give him a chance since he is willing to work with the City.

Mr. Wiggins stated if it is the will of the Council to allow used cars, we should establish a standard. If we want to vary or eradicate that standard, we should have a template to do so. He advised the Council to not arbitrarily accept any particular business, but moving forward we need to know what the standard is. He said if we allow a car lot, we should establish a new standard moving forward.

Ms. McCord felt it was the wrong place for this type of business.

Ms. Lord made a motion to close the Public Hearing and reconvene the meeting, seconded by Mr. Smith. Voting for the motion was unanimous.

Proclamation: Mayor Lockhart presented Mr. Derrick Manning and Mr. Lee Boyd with a proclamation to the Kiwanis Club for its 65th anniversary.

Renewal of Alcohol Licenses: Request was made to consider the renewal of a retail alcohol license for beer only from OSS Business Corporation, Quick Stop Food Mart, 4962 Jonesboro Road, no exceptions noted.

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

In N Out Group: Request was made to consider the renewal of a retail alcohol license for beer only from In N Out Group, LLC, In N Out food Mart, 4233 Thurmond Road, no exceptions noted.

Ms. McCord made a motion to approve the license, seconded by Ms. Lord. Voting for the motion was unanimous.

Zillion Concepts: Request was made to consider the renewal of an on-premises consumption alcohol license for liquor, beer and wine from Zillion Concepts, LLC, Rumors, 3950 Jonesboro Road, no exceptions noted.

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

JB's Billiards: Request was made to consider the renewal of an on-premises consumption alcohol license for liquor, beer and wine from

JB's Billiards, LLC, JB's Billiards & Bar, 4148 Jonesboro Road, no exceptions noted.

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

Golden Gate:

Request was made to consider Renewal of a Retail Alcohol License for Beer and Wine from All American Quality Foods, Inc. Food Depot, 792 Morrow Road, no exceptions noted.

Ms. McCord made a motion to approve the license, seconded by Ms. Lord. Voting for the motion was unanimous.

All American Quality Foods:

Request was made to consider Renewal of a Retail Alcohol License for Beer and Wine from All American Quality Foods, Inc. Food Depot, 792 Morrow Road, no exceptions noted.

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

Holiday Bottle Shop:

Request was made to consider Renewal of a Retail Alcohol License for Liquor, Beer and Wine from Golden Bridge Enterprise, Inc., Holiday Bottle Shop, 791 Morrow Road, no exceptions noted.

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

*Rezoning:
891 Forest
Parkway:*

Request was made to consider the rezoning request of 891 Forest Parkway (I.D. #13050D-C002) from C-3 Institutional Commercial District to C-3 Commercial District - Conditional Use.

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

*Resolution-
Surplus property:*

Request was made to 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.

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

Resolution-
Appraisal
Services:

Request was made to consider a Resolution Authorizing Contract with M. H. Biggers and Associates to provide Appraisal Services for the 2013 West Street Project.

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

Ordinance
Minimum
Distance
Requirements-
Alcoholic
Beverages:

Request was made to 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.

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

Adjournment:

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

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015

NO: # 277-2016

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

*****RENEWAL*****

RE: Adonay, Inc.
Texaco Food Mart
4192 Jonesboro Rd.
Forest Park, GA 30297

Solomon Mogos Tesfay

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015

NO: #271-2016

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



*****RENEWAL*****

RE: SAB Mart, Inc.
Piggly Wiggly
4769 Jonesboro Rd
Forest Park, GA 30297


Soo Hyun Baik

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015
NO: #268-2016

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

*****RENEWAL*****

RE: Shree Dharm Inc
Royal Food Mart
5604 Old Dixie Highway
Forest Park, GA 30297


Nilesh Patel

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015
NO: #243-2016

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

*****RENEWAL*****

RE: Clipper Petroleum Inc.
Circle M Food Shop #57
4950 Old Dixie Highway
Forest Park, GA 30297

Edward Hong


NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015

NO: #227-2016

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

*****RENEWAL*****

RE: Retail Marketing Corporation
Wholesale Food Outlet
4855 Jonesboro Rd
Forest Park, GA 30297

Doug Rowe

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 11, 2015
NO: #209-2016

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

*****RENEWAL*****

RE: SNZ, Inc.
BP Food Mart
4441 Jonesboro Rd
Forest Park, GA 30297


Malek Thobhani

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 11, 2015
NO: #262-2016

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

****RENEWAL****

RE: Refresh Investments Inc.
Texaco Food Mart
503 Forest Parkway
Forest Park, GA 30297

Akbar B. Ali

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 11, 2015
NO: #256-2016

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

*****RENEWAL*****

RE: Neelam Investments Inc.
Happy Food Mart
5971 Ash St.
Forest Park, GA 30297

Palak Bagga

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 11, 2015
NO: #276-2016

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



*****RENEWAL*****

RE: BAA Oil LLC
Shell Food Mart
4806 Jonesboro Rd
Forest Park, GA 30297

Anishkumar Avadia

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 16, 2015

NO: #099-2016

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



*****RENEWAL*****

RE: Duvell Investment Corp.
Pak N Go
1003 Forest Parkway
Forest Park, GA 30297


Punham Ishwarbhai Patel

No Exceptions Noted

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 16, 2015
NO: #254-2016

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

*****RENEWAL*****

RE: Two Brothers Convenience Inc
Citgo Food Mart
4578 Old Dixie Hwy
Forest Park, GA 30297

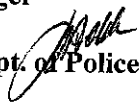
Nadiya S. Ajani

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 20, 2015
NO: #270-2016

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

*****RENEWAL*****

RE: Old Dixie "C" Store, Inc
Texaco Food Mart
5111 Old Dixie Highway
Forest Park, GA 30297


Shabani Lalani

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015
NO: CA127-2016

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

*****RENEWAL*****

RE: Forest Wing & Fish
4430 Jonesboro Road
Forest Park, Georgia 30297

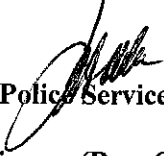
KiJoong Shin

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 16, 2015
CONTROL NO: CA119-2016

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

*****RENEWAL*****

RE: Rio Grande Restaurant, LLC
Rio Grande Restaurant
4609 Jonesboro Rd
Forest Park, GA 30297


Lorena Nicole Nava

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 16, 2015
NO: #219-2016

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

*****RENEWAL*****

RE: Alwani Group of Companies Inc.
Shell Food Mart
4926 Old Dixie Highway
Forest Park, GA 30297

Naushad Alwani

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 16, 2015
CONTROL NO: CA157-2016

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: Red Eyed Inc
Crazy Horse
4730 Frontage Rd
Forest Park, Georgia 30297

Teri G. Galardi

NO EXCEPTIONS NOTED

DEPARTMENT OF POLICE SERVICES
Forest Park, Georgia

INTEROFFICE MEMO

DATE: November 9, 2015
CONTROL NO: CA123-2016

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: Restaurant Forest
5025 Jonesboro Road
Forest Park, Georgia 30297

KiJoong Shin

NO EXCEPTIONS NOTED

ORDINANCE NO. _____

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA ESTABLISHING THE BUDGETS FOR THE 2008 AND 2015 SPLOST CAPITAL PROJECT FUNDS FOR THE FISCAL YEAR 2015-2016.

BE IT ORDAINED by the Governing Body of the City of Forest Park that the total of \$3,156,083 is the estimated revenues and expenditures for the 2008 SPLOST Capital Project Fund for the fiscal year 2015-2016, as itemized on Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED by the Governing Body of the City of Forest Park that the total of \$3,180,000 is the estimated revenues and expenditures for the 2015 SPLOST Capital Project Fund for the fiscal year 2015-2016, as itemized on Exhibit B attached hereto and incorporated herein by reference.

PASSED AND ADOPTED THIS THE _____ DAY OF DECEMBER, 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

CITY OF FOREST PARK
2008 SPLOST FUND - BUDGET
FISCAL YEAR 2015 - 2016

EXHIBIT A

<u>ACCOUNT #</u>	<u>SOURCES</u>	<u>AMOUNT</u>
320-00-0000-13-4200	FROM SPLOST FUND BALANCE	<u>\$ 3,156,083</u>
<u>CAPITAL PROJECT REQUESTS</u>		
320-22-1510-54-2502	FINANCE / ADMINISTRATION: COMPUTER SYSTEM	50,000
320-41-6110-54-2502	RECREATION DEPARTMENT: RECR BLDG ADA UPRADES TO RESTROOM PARKS ADA UPGRADES-BLDGS & RESTROOMS COMMUNITY BUILDING - ASH STREET	1,000 7,095 350,000
320-51-4210-54-2502	PUBLIC WORKS DEPARTMENT: EMERGENCY GENERATOR FOR BUILDING EMERGENCY GENERATOR AND TRANSFER SWITCH STREET SWEEPER	20,000 38,000 189,988
320-20-1110-54-2502	MAIN STREET REDEVELOPMENT - PHASE II	<u>2,500,000</u>
TOTAL PROJECTS FOR 2015-2016		<u>\$ 3,156,083</u>

**CITY OF FOREST PARK
2015 SPLOST FUNDS - BUDGET
FISCAL YEAR 2015 - 2016**

EXHIBIT B

<u>ACCOUNT #</u>		<u>AMOUNT</u>
	<u>SOURCES</u>	
325-00-0000-31-3200	SPLOST REVENUE (COLLECTIONS)	<u>\$ 3,180,000</u>
	<u>CAPITAL PROJECT REQUESTS</u>	
325-22-1510-54-2502	FINANCE / ADMINISTRATION:	
	EQUIPMENT	50,000
	HVAC SYSTEM REPLACEMENT	350,000
325-25-1540-54-2502	SUPPORT SERVICES:	
	FACILITY IMPROVEMENTS	6,000
	COMPUTER EQUIPMENT	30,000
325-31-3210-54-2502	POLICE DEPARTMENT:	
	VEHICLES (REPLACEMENT)	400,000
	FIREARMS TRAINING SYSTEM	150,000
	COMPUTER EQUIPMENT / TECHNOLOGY	200,000
325-41-6110-54-2502	RECREATION DEPARTMENT:	
	MASTER PLAN FOR RECREATION FACILITIES	100,000
	VEHICLES	65,000
325-51-4210-54-2502	PUBLIC WORKS:	
	STREET RESURFACING	385,000
	BUILDING CONSTRUCTION	296,000
	VEHICLES	60,300
325-55-7410-54-2502	PLANNING, BUILDING & ZONING	
	ARCHITECTURAL DESIGN / CONSTRUCTION	85,000
	COURT SOFTWARE	15,000
325-61-3510-54-2502	FIRE DEPARTMENT:	
	VEHICLES	200,000
	FACILITY IMPROVEMENTS / RENOVATION	300,000
	EQUIPMENT	40,000
	OTHER - CONTINGENT FUNDS FOR PROJECTS	<u>447,700</u>
	TOTAL PROJECTS FOR 2015-2016	<u><u>\$ 3,180,000</u></u>

RESOLUTION TO AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE
THE RETIREMENT SAVINGS PLAN, BEING AN AMENDMENT BY THE
ENTIRETY AND RESTATEMENT OF THE PLAN

WHEREAS, The City of Forest Park Retirement Savings Plan (the "Retirement Savings Plan" or "Plan") was established effective July 1, 1983, as a qualified plan under Section 401(a) of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, the Retirement Savings Plan was last restated in its entirety effective July 1, 2009; and

WHEREAS, the Code requires that qualified plans be amended from time to time to reflect changes in the Code, Treasury Regulations, and other guidance from the Internal Revenue Service ("IRS") in order for a plan to maintain its special tax-qualified status and the Plan has not been amended for any of the required changes since July 1, 2009; and

WHEREAS, the Plan Administrative Committee of the City of Forest Park Retirement Savings Plan (the "Committee") recommends that it is in the best interest of the City of Forest Park and the Plan's participants to restate the Plan document to reflect all the necessary changes required by the Internal Revenue Service to maintain the Plan's qualified status; and

WHEREAS, the Committee recommends that it is in the best interest of the City of Forest Park and the Plan's participants to amend and restate the Plan document no later than December 31, 2015, to comply with the changes permitted by the Pension Protection Act of 2006 ("PPA'06"); the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"); and the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"); and

WHEREAS, the City Council deems it appropriate to accept the recommendation of the Committee and to amend and restate the Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Council hereby authorize and direct the authorized officials of the City to execute the Retirement Savings Plan, being an amendment by the entirety and restatement of the Plan, a copy of said Plan having been presented to the City Council;

BE IT FURTHER RESOLVED, that the Retirement Savings Plan be submitted to the Internal Revenue Service for a determination that the Plan continues to be qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended.

RESOLVED THIS _____ DAY OF DECEMBER, 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, Councilmember
Ward Four

Linda Lord, Councilmember
Ward Five

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**STATE OF GEORGIA
COUNTY OF CLAYTON**

RESOLUTION NO. 15-_____

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FOREST PARK, GEORGIA, AUTHORIZING THE PARTICIPATION WITH CLAYTON COUNTY GOVERNMENT, CLAYTON COUNTY PUBLIC SCHOOLS AND THE CLAYTON COUNTY CITIES IN PREPARATION AND SUBMISSION OF A COMPLIANCE ACTION PLAN TO THE FEDERAL AVIATION ADMINISTRATION ("FAA") IN RESPONSE TO THE FAA POLICY CLARIFICATION FOR THE USE OF AVIATION FUEL TAX REVENUE ("THE FAA POLICY") PUBLISHED IN THE FEDERAL REGISTER IN NOVEMBER OF 2014.

WHEREAS, the Mayor and City Council of the City of Forest Park, Georgia (the "City") understand that the FAA Policy Clarification for the Use of Aviation Fuel Tax Revenue requires that State and local taxes on aviation fuel be subject to the airport revenue use restrictions. The statutory revenue use requirements apply to certain State and local government taxes on aviation fuel. The FAA Policy requires an airport sponsor or state government submitting an application under the Airport Improvement Program to provide assurance that revenues from State and local government taxes on aviation fuel will be used for aviation/airport related purposes. The FAA Policy also requires that State and local governments prepare an action plan that will document to the FAA how States and local governments will comply and submit such plan to the FAA on or before December 8, 2015 describing how compliance will be accomplished not later than December 8, 2017;

WHEREAS, the State of Georgia, through the Department of Transportation ("the Department"), has developed a draft Action Plan as required by the FAA Policy. The Department's draft does not include compliance with local taxes at federally funded obligated commercial service airports as they are direct recipients of federal funding from the FAA. The commercial service airports in Albany, Atlanta, Augusta, Brunswick, Columbus, Savannah and Valdosta are accordingly responsible for submitting their plans or notifications to the local taxing authorities directly to the FAA;

WHEREAS, taxes on aviation fuels that are grandfathered are defined as those enacted and in use on or prior to December 30, 1987. For existing taxes that do not qualify for grandfathering, the FAA will allow up to three years to transition to full compliance but not later than December 8, 2017. Failure to comply with the FAA Policy will expose taxing authorities to enforcement actions by the federal government including civil fines and lack of eligibility for future grants;

WHEREAS, local taxes on aviation fuels by tax authorities in Clayton County that are not grandfathered include the Local Option Sales Tax (L.O.S.T.) enacted in 1994, the Education Special Purpose Local Option Sales Tax (E.S.P.L.O.S.T.) enacted in 1997, and the Metropolitan Atlanta Rapid Transit Authority (M.A.R.T.A.) tax enacted in 2015. The County-wide Special Purpose Local Option Sales Tax (S.P.L.O.S.T.) enacted in 1993 already exempts aviation fuels. These local taxes are subject to be returned to the airport if local investment in

the airport for operational and capital needs, including in-kind services, are not equal to the local taxes collected. There can also be legal reasons for withholding the local tax revenues generated from aviation fuel sales;

WHEREAS, the financial impact of the FAA Policy on Clayton County government, the Clayton County Public Schools and the Clayton County cities is not known as the State has not historically collected data on the annual amount of local aviation fuel tax collections for each county however the annual amounts are estimated in the millions. Many of these tax dollars are dedicated to capital improvement projects and there are no other revenue sources to replace these amounts if local governments are required to return these amounts to the airport; and

WHEREAS, it is in the collective interests of Clayton County government, the Clayton County Public Schools and the Clayton County cities (referred to as the "Clayton County Entities" hereinafter) to jointly consider, prepare and submit a compliance action plan to the FAA on or before December 8, 2015 to document how the Clayton County Entities will comply with the FAA Policy.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council authorize the City of Forest Park, Georgia participation in the preparation and submission of a compliance action plan in response to the FAA Policy on the use of local sales taxes on aviation fuels, such plan to be prepared and submitted on or before December 8, 2015 and executed for the City of Forest Park, Georgia by the Mayor. This Resolution shall take effect immediately upon its adoption.

SO RESOLVED this _____ day of _____, 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

CITY OF FOREST PARK

STATE OF GEORGIA

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 5 ("PUBLIC WORKS"), TITLE 8 ("PLANNING AND DEVELOPMENT"), AND TITLE 9 ("LICENSING AND REGULATION") OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA; TO REVISE CERTAIN PROVISIONS TO FACILITATE THE USE OF GREEN INFRASTRUCTURE OR LOW IMPACT DEVELOPMENT TECHNOLOGIES; 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 Body of the City of Forest Park, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the City is a holder of an MS4 permit from the Georgia Department of Natural Resources that authorizes the City to issue regulations for the protection of the environmental and stormwater infrastructure of the City; and

WHEREAS, the preservation and restoration of natural landscape features, such as forests and floodplains, are critical components of green stormwater infrastructure; and

WHEREAS, pursuant to its MS4 permit, the City is charged with the periodic review of its codes and ordinances to ensure that they do not prohibit or impede the use of green infrastructure or low impact development technologies; and

WHEREAS, the Mayor and Council, following said review by City personnel, wish to make certain changes to the City's Code of Ordinances, Titles 5, 8, and 9, in order to facilitate the use of green infrastructure or low impact development technologies.

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

Section 1. That Title 5, Chapter 1 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in subsection (a) of Section 5-1-8 and inserting the following text in lieu thereof:

- (a) New driveways shall be installed at the expense of the property owner after obtaining the approval as to curb cut and driveway design by the city manager or his/her designee.
 - (1) The following are the design requirements for residential developments, whether single or multiple dwellings.

- (2) All driveways shall be paved, having a concrete or asphalt surface only, consistent with adjacent development, and subject to the specifications on file in the public works department. Pervious concrete may be used. Upon approval from the city manager or his/her designee, other pervious materials may be used. Two-track driveways and shared parking in residential developments may be built pending approval from the city manager or his/her designee.
- (3) All buildings, structures and uses of land shall provide off-street parking in an amount sufficient to meet the needs caused by the building or use of land.
- (4) All off-street parking shall be on a paved, dust-free surface.
- (5) All impervious areas shall comply with maximum ground coverage and setback requirements in accordance with the applicable zoning district regulations.
- (6) Parking on the street, sidewalk or grass is prohibited.
- (7) Parking in any multiple residential development is permitted only in designated parking spaces.

Section 2. That Title 5, Chapter 1 of the Code of Ordinances, City of Forest

Park, Georgia is hereby amended by adding Section 5-1-9 which shall read as follows:

Sec. 5-1-9. - Sidewalk design

Sidewalks shall be designed and constructed with a minimum width of four (4) feet and will be sloped towards front yards when practicable. Alternate mediums for pedestrian travel, such as paving stones, may be substituted for sidewalks when they are not located adjacent to a road. When possible, a two (2) foot grass strip shall be included. Final approval of sidewalk widths will be determined in accordance with the recommendations of the city manager or his/her designee as approved by the mayor and council.

Section 3. That Title 8, Chapter 7 of the Code of Ordinances, City of Forest

Park, Georgia is hereby amended by striking the existing text in subsection (j) of Section 8-7-31 and inserting the following text in lieu thereof:

(j) Street right-of-way widths shall be as shown in the major thoroughfare plan for the city and where not shown therein shall be no less than as follows:

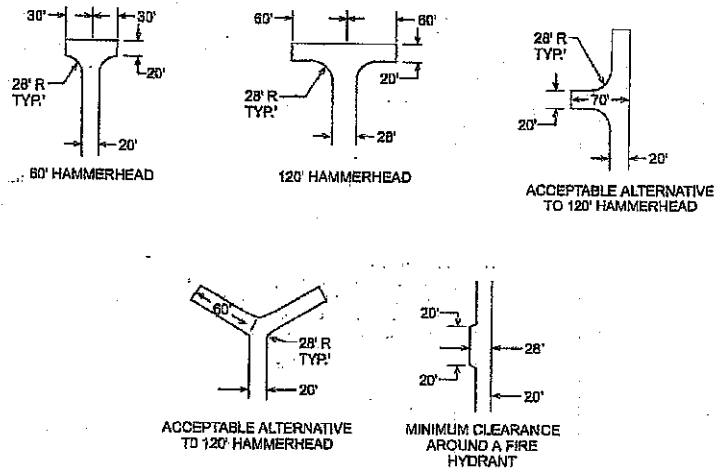
Street type	Right-of-way (in feet)
Major	100 minimum
Collector (commercial and residential)	60 minimum
Minor	45 minimum

Section 4. That Title 8, Chapter 7 of the Code of Ordinances, City of Forest

Park, Georgia is hereby amended by striking the existing text in subsection (l) of Section 8-7-31 and inserting the following text in lieu thereof:

(1) A permanent dead end street, not to exceed 800 feet in length, may be laid out. There shall be provided a turnaround, at the closed end, with a radius of not less than 75 feet to center line. Residential streets without landscaped islands may be provided with a radius of not less than 35 feet to the center line. Hammerhead turnarounds may be built in lieu of circular turnarounds in residential neighborhoods, in accordance with the designs provided in Figure X. Final approval of hammerhead designs will be determined in accordance with the recommendations of the city manager or his/her designee as approved by the mayor and council.

Figure X: Hammerhead Turnaround Design Specifications



Section 5. That Title 8, Chapter 7 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in Section 8-7-51 and inserting the following text in lieu thereof:

Street improvements shall be provided in each subdivision as prescribed below:

- (1) All residential minor streets shall be improved in accordance with the specifications for street paving of the city.
- (2) All other streets shall be improved in accordance with the recommendations of the city engineer as approved by the mayor and council.
- (3) No residential minor street shall be constructed with a pavement width of less than twenty-two (22) feet or twenty-six (26) feet measured from back of curb to back of curb.
- (4) All other residential streets shall have a pavement width of twenty-four (24) feet or twenty-eight (28) feet measured from back of curb to back of curb. All other roadway widths to be determined by the number of travel lanes and existing conditions. Final approval of roadway widths are to be determined in accordance with the recommendations of the city manager or his/her designee as approved by the mayor and council.

Section 6. That Title 8, Chapter 8 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in Section 8-8-32 and inserting the following text in lieu thereof:

(a) Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be at least one hundred ninety (190) square feet in area and shall have vehicular access to a public street. Turning space shall be provided (except for single-family residences) so that no vehicle will be required to back into the street. The number of parking spaces required under this subsection may be reduced by no more than ten (10) percent for any lot within one thousand (1000) feet of a public bus stop or other mass transit location.

- (1) *Automobile repair garages.* One (1) space for each regular employee plus one (1) space for each two hundred fifty (250) square feet of floor area used for repair work.
- (2) *Gasoline filling stations.* Three (3) spaces for each grease rack or similar facility plus two (2) spaces for each gas pump attendant.
- (3) *Hospitals and nursing homes or similar institutions.* One (1) space for each two (2) beds plus one (1) space for each staff or visiting doctor plus one (1) space for each three (3) employees.
- (4) *Lodges and clubs.* One (1) space for each ten (10) members.
- (5) *Offices.* One (1) space for each three hundred (350) square feet of floor space.
- (6) *Places of amusement or assembly without fixed seats.* One (1) space for each two hundred (200) square feet of floor space devoted to patron use.
- (7) *Places of public assembly.* One (1) space for each four (4) seats in the principal assembly room.
- (8) *Residential.* At least one (1) space for each dwelling unit.
- (9) *Restaurants.* One (1) space for each seventy-five (75) square feet of floor area devoted to patron use, plus one (1) space for each four (4) employees.
- (10) *Retail business.* One (1) space for each two hundred fifty (250) square feet of sales space.
- (11) *Rooming and boarding houses.* One (1) space for each two (2) bedrooms.
- (12) *Tourist courts, hotels, and motels.* One (1) space for each accommodation.
- (13) *Wholesale business.* One (1) space for each two (2) employees.

(b) The owners of property either previously developed or being developed which would be covered by subsection (a) of this section may petition the mayor and council for the right to expand the existing or proposed development or to develop potential out parcels onto property that would otherwise be required for parking under the requirements of subsection (a) hereof. Such petitions would be considered by the mayor and council applying the following criteria.

- (1) Whether or not the parking spaces presently existing are underutilized or in the case of a new development, whether or not the parking spaces which would otherwise be required by subsection (a) are likely to be underutilized;
- (2) Whether or not the parking requirements for the total development are sufficient; and
- (3) In the case of an existing development, what renovations and/or rehabilitation will be done to the existing development, in order to enhance the viability of the property.

(c) A petition filed under subsection (b) hereof shall be in a form as may be developed by the department of planning, building and zoning of the city, shall be accompanied by a landscape plan for the entire development including parking facilities; a written acknowledgment from the applicant that over-flow parking onto city streets or rights of way or adjacent properties from the development will

not be permitted; and with regard to additions to existing developments or to out-parcels adjacent to existing developments shall include a plan for the renovation or rehabilitation of the existing development.

(d) Shared parking arrangements may be made, in which case the number of parking space required under subsection (a) may be reduced by no more than ten (10) percent. Any off-street automobile parking area under a shared parking arrangement shall include one (1) two-sided bicycle rack. Shared parking arrangements may be used for out parcels. Any shared parking arrangement involving two (2) or more lots must be committed to writing in an instrument acceptable to the department of planning, building and zoning and approved by the owners of each of the affected lots or uses. A copy of the instrument shall be filed for record with the Clerk of the Superior Court of Clayton County.

(e) An applicant under this Chapter shall be allowed: (1) an additional 0.5 square feet of floor area above the maximum allowed floor area ratio for every one (1) square foot of structured parking provided that is a minimum of three (3) stories in height; or (2) an additional three hundred fifty (350) square feet of building space for each parking space in a parking structure which is a minimum of three (3) stories in height that will be available for public use. The applicant shall meet the other requirements of the development standards for the base zone in which the subject of the application is to be located.

Section 7. That Title 8, Chapter 9 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in subsection (a) of Section 8-9-5 and inserting the following text in lieu thereof:

(a) Buffer and setback requirements. All land development activity subject to this chapter shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (4) An undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, of a designated wetland in all directions. No stormwater from a proposed development may be discharged into this buffer without having undergone pretreatment prior to the discharge.

Section 8. That Title 9, Chapter 14 of the Code of Ordinances, City of Forest Park, Georgia is hereby amended by striking the existing text in subsection (2) of Section 9-14-6 and inserting the following text in lieu thereof:

(2) In addition, two site plans shall be attached to the application form and filed with the department. The plans will be drawn to an engineer's scale such that the following are easily identified:

- a. The proposed location of the entrances and exits to the facility;
- b. The widths of access streets;

- c. The capacity and location of the reservoir space to be used for the receiving and temporary storage of incoming vehicles;
- d. The internal traffic plan;
- e. The proposed parking plan showing the size and location of the parking stalls and aisles to serve them;
- f. The location, width, and general design of ramps or elevators to be used inside the structures;
- g. If applying for a shared-use paid parking facility permit, the location of the stalls to be used during the primary establishment's business hours;
- h. Any other information required to enable the city to make a fair and complete appraisal of the operation of the proposed parking facility; and
- i. All landscaping features, which shall comprise a minimum of five (5) percent of the parking area.

Section 9. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 10. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 11. (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 12. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 13. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 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

Approved as to form:

City Attorney

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

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 December, 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